United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, TUESDAY, JUNE 23, 1998 No. 83

Senate

The Senate met at 9:29 and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, ultimate Judge of us all, free us from the pejorative judgements that put others down when they do not agree with us. We develop a litmus test to judge others. Sometimes, when they don't measure up, we question their value and make condemnatory judgements of them. Most serious of all, we think our categorization justifies our lack of prayer for them. Often we self-righteously neglect in our prayers the very people who most need Your blessing.

Give us Samuel's heart to say, ''Far be it from me that I should sin against the Lord in ceasing to pray for you.''—I Samuel 12:23. Remind us that You alone have the power to change the minds and hearts of people if we will be faithful to pray for them. Make us intercessors for all those You have placed on our hearts—even those we previously have condemned with our judgements. We accept Your authority: ''Judgement is mine, says the Lord.'' I pray this in the Name of Jesus who, with Moses and the prophets, taught us to do to others what we would wish they would do to us. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. COATS. Mr. President, today the Senate will resume consideration of the defense authorization bill. Currently pending to that bill is a Hutchinson amendment relating to China. It is expected that a tabling motion will be made on that amendment at approximately 10:15 a.m. this morning. Further votes could occur with respect to the defense bill prior to the 12:30 policy luncheon recess. Under a previous order, following the party lunches at 2:15, the Senate will proceed to a cloture vote on the defense bill. Members are reminded that under rule XXII they have until 12:30 p.m. today to file second-degree amendments to the defense bill.

The leader would like to remind all Members that there are only 4 days left before the Independence Day recess. There are still several important items to be considered this week, including appropriations bills, the conference reports accompanying the Coverdell education bill, the IRS reform bill, the Higher Education Act, and any other legislative or executive items that may be cleared for action also may be considered this week. Therefore, the cooperation of all Members will be needed to successfully complete the Senate's work this week.

I thank my colleagues for their attention.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2057) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Feinstein amendment No. 2405, to express the sense of the Senate regarding the Indian nuclear tests.

Brownback amendment No. 2407 (to amendment No. 2405), to repeal a restriction on the provision of certain assistance and other transfers to Pakistan.

Warner motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with all amendments agreed to in status quo and with a Warner amendment No. 2735 (to the instructions on the motion to recommit), condemning forced abortions in the People's Republic of China.

Warner amendment No. 2736 (to the instructions of the motion to recommit), of a perfecting nature.

Warner modified amendment No. 2737 (to amendment No. 2736), condemning human rights abuses in the People's Republic of China.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2737, AS MODIFIED

Mr. HUTCHINSON. Mr. President, am I correct in my understanding, the Warner-Hutchinson amendment is the pending business?

The PRESIDING OFFICER. Amendment No. 2737 is pending.

Mr. HUTCHINSON. Mr. President, I would like to speak for a few minutes about that amendment which I authored and which I anticipate Senator WARNER will move, at 10:15, to table.

It has become evident to me that tabling motions in this institution at one time were far more meaningful; that in this case there will be an effort to vote against tabling, simply for the purpose of making that vote meaningless. There are those who simply do not want a straight up or down, clean vote

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper containing 100% post consumer waste

on the substance of these amendments. What they want to do is cease embarrassing themselves by being seen voting against amendments that are supported broadly by the American people and are substantively what we ought to do: condemn forced abortion, deny visas to those who are performing them, condemn religious persecution, deny visas to those who are involved in it. Those are the kinds of things the American people support. But those who simply want to avoid having to cast that vote at this time are going to vote against tabling it and, by so doing, prevent any kind of clean up or down vote on the substance of these amendments.

There is no time agreement. We will have a cloture vote later today. So they seem to have found a means by which, on a parliamentary basis, they can avoid having to take a stand on what we need to be taking a stand about.

They will argue this is the wrong time; we should not do this on the eve of the President's departure for China. I would simply say, this amendment, really four amendments that have been now wedded together, this amendment strengthens the hand of our President as he goes to China. It gives him greater voice and it gives him a greater tool as both the House and the Senate will then have been on record on the substance of these amendments. The President will be able to express to the Chinese people, with the full backing of Congress, his deep concern about these issues.

How important this is, and how much progress still needs to be made in China, was very evident today by the headline in the Washington Times. The headline in the Washington Times this morning is: ''Beijing Pulls Visas of Three U.S. Reporters: Move Targets Radio Free Asia.''

In a move that is absolutely astounding, it shows that China simply doesn't get it. In a move that reflects the fact that they simply don't understand what freedom and liberty and a free press is all about, they have denied visas to three reporters previously approved by this administration to travel to China and to cover the events of the President's visit.

I have learned to appreciate more and more Radio Free Asia and the outstanding work they do and the outstanding job they perform and the outstanding coverage that they provide. Now we find that these three reporters are going to be denied the opportunity to go. The Chinese Government has refused to give them permission to come because—why? Because, apparently, they are afraid that some of that coverage might put the Beijing government in a poor light.

As I mentioned yesterday, in my remarks on the floor, Newsweek magazine chose this edition, on the eve of the President's trip, to highlight the new China. In fact, the cover article is headlined, ''The New China.'' I would only quote one portion of the article:

> In large measure, the central question surrounding Clinton's trip is whether China has really changed since 1989.
>
> Walking around the glittering shopping malls of Beijing, talking to the members of the newly affluent Chinese middle class, it is plain that China is not the country it was 9 years ago. Official language has changed; China's leaders no longer deny what happened in Tiananmen Square, but focus on what has happened since—an embrace of market economics and new political and legal rights. More important, on the streets and in the media, ''unofficial'' China is giving real shape to such rights.

I will repeat that last sentence, ''Unofficial China is giving real shape to such rights,'' political and legal rights, that is.

The question before this Senate is what is official China doing? And it is obvious from the headline in the Washington Times today, the story that they broke, that Beijing pulled the visas of three U.S. reporters, indicates what official China is doing today is yet, still, very deplorable.

In the State Department report on China for 1997, the human rights report on China, they have section 2, dealing with respect for civil liberties. In particular, they address this issue of a free press and our State Department's report says:

> There are 10,000 openly distributed publications in China, including 2,200 newspapers. During the year, the Central Propaganda Department instructed all provinces and municipalities to set up a special team to review publications.

Now listen:

> All media employees are under explicit, public orders to follow [Chinese Communist Party] directives and ''guide public opinion'' as directed by political authorities. Both formal and informal guidelines continue to require reporters to avoid coverage of sensitive subjects and negative news. Journalists also must protect State secrets in accordance with State Security Law. These public orders, guidelines, and laws greatly restrict the freedom of broadcast journalists and newspapers to report the news and leads to a high degree of self-censorship. In October leading dailies in China carried a translation of a major policy speech by a foreign official; however, a lengthy section on human rights was dropped from the translation.

I believe our State Department report on human rights conditions in China once again reflects very clearly how far China has to go and how deplorable civil rights and human rights conditions in China really are. And in the particular area of freedom of speech and press, we find there is a very, very rigid censorship that controls the media in China.

Nowhere was that censorship more evident than in Beijing's decision to pull the visas of these U.S. reporters seeking to provide coverage on the President's trip. I urge all of my colleagues in the U.S. Senate to read in its entirety the China Country Report on Human Rights Practices for 1997. It is in fact, I believe, a great eye-opener and deals not only with the area of the press, but deals with the issues of forced abortions and religious persecution which the amendment that is pending before this body deals with explicitly.

Mr. President, as we will be voting on this motion to table at 10:15 today, and we think about the issue of forced abortions, I have heard in recent days China apologists explain that really what is going on in China isn't all that bad. And the defense goes something like this: China's official family policy, family planning policy, forbids coercion; it forbids forced abortions or forced sterilizations. They will say that is the official position of the Chinese Government. The problem is, that has never been codified. It has never been written down.

So while the Beijing authorities will say, ''Yes, we do not tolerate forced abortions or coercion in family planning practices,'' that has never been codified and put into the law of the land in China.

The Chinese Government will acknowledge that local officials, under great pressure to meet population targets, sometimes utilize these coercive practices. So while they will argue this is not the public policy of China to permit coerced abortions, they will acknowledge, because such targets are placed and such financial incentives are placed over local officials, that local officials sometimes go over the edge and will use these coercive practices in enforcing the one-child policy in China.

In defense of the fact that these practices are tolerated, China will explain that it is a very large country, and it is simply impossible for the central Government to maintain and punish those who break the official ban on coercive family planning practices. That is the rationale that is given. China apologists, of which there are many in this country, will say, ''We have to be understanding. They don't officially permit this. It's local officials who get out of hand. And, after all, China is a big country. We can't expect they're going to be able to enforce this consistently.''

When I hear that rationale, what I immediately think of is the fact that, according to our State Department report, every known dissident in China has been rounded up and incarcerated. Somehow the central Chinese Government manages to monitor and find those who might speak out for human rights or for democracy or for freedom in China today. The central Government has no problem in enforcing their very rigid control of the population. And yet they want to excuse themselves from any kind of enforcement in preventing coerced family planning practices in China.

If the one-child policy results in pressure for local officials to engage in force, then the central Government ought to change that central Government policy and simply remove the kinds of incentives that have resulted from local officials coercing women to have abortions when they do not want to. If, according to our State Department, all dissidents have been silenced,

then surely the central Government that can monitor democracy dissidents all over the vast country can surely monitor and control rogue officials who practice these very horrendous procedures on unwilling women in China.

The Chinese authorities, in 1979, instituted the policy of allowing one child per couple, providing monetary bonuses and other benefits as incentives for that one-child policy. In subsequent years, it has been widely reported that women with one living child, who become pregnant a second time, are subjected to rigorous pressure to end the pregnancies and undergo sterilization.

Forced abortions and sterilization, Mr. President, have not only been used in Communist China to regulate the number of children, but to eliminate those regarded as ''defective'' under China's very inhumane eugenics policy. They call their law the natal and health care law. What a misnomer. This law requires couples at risk of transmitting disabling congenital defects to their children to use birth control or undergo forced sterilization.

China currently has legislation that requires women to be sterilized after conceiving two children, and they even go so far as to demand sterilization of either the man or the woman if traces of a serious hereditary disease is found in an effort to eliminate the presence of children with handicaps, to eliminate the presence of children with illnesses or other characteristics they might consider to be ''abnormal.'' That eugenics policy is abhorrent and it is morally reprehensible. It is the practice, it is the law of the land in China today.

The amendment that is before us would address this issue. It would put us on record in condemning this practice and be at least a symbolic step in denying visas to those for whom there is credible evidence are involved in the practice.

Chinese population control officials, working with employers and work unit officials, routinely monitor women's menstrual cycles, incredibly enough. They subject women who conceive without Government authorization—they do not have a certificate to conceive—to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and in some instances physical force.

It has been estimated that China commits about a half a million third-trimester abortions every year. Most of these babies are fully viable when they are killed. Virtually all of these abortions are performed against the mother's will.

Steven Mosher, the director of Asian studies at California's Claremont Institute, can personally account to seeing doctors carrying chokers. These chokers are similar to the little garbage ties that we use to tie up garbage bags. They are placed around the little baby's neck during delivery. The baby then dies of a painful strangulation over a period of about 5 minutes.

To my colleagues, I say a government that would force women to undergo these kinds of grisly procedures has no conception of and no respect for human rights.

On June 10, my colleague in the House, CHRIS SMITH, the chairman of the Human Rights Subcommittee on International Relations, held a hearing on this ongoing practice in China. Gao Xiao Duan, the former head of China's Planned Birth Control Office from 1984 to 1988, provided powerful testimony about what she went through, what she was called upon to enforce, and her own nightmarish experience until she was unable and unwilling to live with a guilty conscience because of what she was doing. She resigned. She left. She got out of that grisly business.

Well, it is that kind of practice, along with what I have in the past elaborated on related to religious persecution that is ongoing in China today, on which this body needs to take a stand. The House of Representatives voted for these measures, and voted for them overwhelmingly. The forced abortion provision in the House of Representatives passed by a vote of 415–1. And it is time that the Senate quit stalling and quit dragging its feet, quit avoiding these issues.

It is time that we faced the abuses in China forthrightly and honestly. And I believe, far from embarrassing the President as he makes this trip to China, it is incumbent upon us to strengthen his ability to address human rights issues at Tiananmen Square and in dealing and meeting with Government officials throughout China, throughout his 8-day visit in China.

So I ask my colleagues to rethink the desire of many to avoid a clean up-and-down vote on the substance of these amendments, which, frankly, I have heard no one get up and argue that this is the wrong position to take or this should not be the public policy of our country. Instead, I have heard vague talk that we should not vote at this time with efforts to try to avoid taking a clear stand on this issue.

I commend the Washington Post on their editorial today of June 23. I ask unanimous consent that editorial, ''The Case of Li Hai'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 1998]

THE CASE OF LI HAI

Li Hai, 44, a former teacher at the Chinese Medical College, is serving a nine-year sentence in Beijing's Liangxiang Prison. His crime: assembling a list of people jailed for taking part in pro-democracy demonstrations in Tiananmen Square in 1989. From the Beijing area alone, he documented more than 700. Of those, 158—mostly workers, rather than students—received sentences of more than nine years and are presumed still held. Many were sentenced to life in prison, from a 22-year-old named Sun Chuanheng to a 76-year-old named Wang Jiaxiang. Li Hai himself was convicted of ''prying into and gathering . . . state secrets.''

We thought of Mr. Li as we read President Clinton's explanation in Newsweek yesterday of ''Why I'm Going to Beijing.'' Mr. Clinton wrote of the ''real progress—though far from enough'' that China has made in human rights during the past year. That progress, according to the president, consists of the release of ''several prominent dissidents''; President Jiang Zemin's receiving a delegation of American religious leaders; and China's announcement of its ''intention to sign'' an important international treaty on human rights. That's a rather threadbare litany, even before you take account of the fact that two of the three releases for which the administration takes credit relate to dissidents who have been forced into exile, and that China has not said when it will ratify the human rights treaty, even if—as President Jiang stated in a separate Newsweek interview—it signs the document this fall.

How meager these accomplishments in human rights really are becomes clear when you stack them up against the administration's own decidedly modest goals back in 1996, when it already had downgraded the priority of human rights. According to reporting by The Post's Barton Gellman, the Clinton administration offered China a package deal in November of that year: It would no longer support a United Nations resolution calling attention to China's human rights abuses if China would release seven prominent dissidents, sign two international treaties on human rights, allow the International Committee of the Red Cross to visit Chinese prisons and establish a forum of U.S. and Chinese human rights groups. When China failed to fully meet any of the demands, and rebuffed the United States on two of them, Mr. Clinton said that was good enough. This again calls to mind what is disquieting about his China policy: not that he is pursuing a policy of engagement but that the engagement too often is on China's terms.

Tomorrow Mr. Clinton will leave for China, the first president to visit since the Tiananmen massacre. His aides promise that he will speak out on human rights while there, and there is a chance he will meet with the mother of a student killed in Tiananmen. The first could be valuable if his remarks are broadcast on Chinese television; the second, an important symbol, especially because many relatives of Tiananmen victims continue to be persecuted and harassed. But Mr. Clinton's remarks, above all, should be honest. For the sake of Li Hai, the 158 he documented and the many he did not find, Mr. Clinton should not trumpet ''real progress'' in a human rights record where no such progress exists.

Mr. HUTCHINSON. I will quote a portion of that editorial today from the Washington Post:

Li Hai, 44, a former teacher at the Chinese Medical College, is serving a nine-year sentence in Beijing's Liangxiang Prison. His crime: assembling a list of people jailed for taking part in pro-democracy demonstrations in Tiananmen Square in 1989. From the Beijing area alone, he documented more than 700. Of those, 158—mostly workers, rather than students—received sentences of more than nine years and are presumed still held. Many were sentenced to life in prison, from a 22-year-old named Sun Chuanheng to a 76-year-old named Wang Jiaxiang. Li Hai himself was convicted of ''prying into and gathering . . . state secrets.''

We thought of Mr. Li as we read President Clinton's explanation in Newsweek yesterday of ''Why I'm Going to Beijing.'' Mr. Clinton wrote of the ''real progress—though far

from enough'' that China has made in human rights during the past year. . . .

Tomorrow Mr. Clinton will leave for China, the first president to visit since the Tiananmen massacre. His aides promise that he will speak out on human rights while there, and there is a chance he will meet with the mother of a student killed in Tiananmen. The first could be valuable if his remarks are broadcast on Chinese television; the second, an important symbol, especially because many relatives of Tiananmen victims continue to be persecuted and harassed. But Mr. Clinton's remarks, above all, should be honest. For the sake of Li Hai, the 158 he documented and the many he did not find, Mr. Clinton should not trumpet ''real progress'' in a human rights record where no such progress exists.

Mr. President, exactly so. We should not create progress where it does not exist. We should not pretend that there is progress where it has not been demonstrated. The exile of high-profile dissidents, their exile to the United States, people who are then told, you are free so long as you never return to your homeland, your fatherland—this is what is hailed as human rights progress? I, for one, will say no, that is not true.

The abuses are great. It is time that the U.S. Senate took its stand. It is time that the U.S. Senate quit avoiding our responsibility, as the elected representatives, to the people of this country and that we be willing to simply cast our own convictions on these amendments, that we not, through parliamentary tactics, through what is now called ''throwing a vote,'' try to make a vote meaningless by everyone voting contrary to their own beliefs so as to avoid a clear up-or-down vote on which the American people can make a judgment.

Let there be no mistake. Let's all understand what we are doing when we vote at 10:15 today. For those who are opposed to these amendments, to vote against tabling is a vote of deception to the American people. It may, in the minds of many, make this vote meaningless. Let us be sure in this country in which freedom reigns, in which the American people, I think, are quite discerning—they will be able to see through the charade of simply circumventing a vote on substance. They will be able to see the pretense of voting one way when you believe another, so that you can avoid voting on the substance and say this is a bad thing, for us to condemn forced abortions, we shouldn't do that; it is a bad thing for us to deny visas for those involved in it; it is a bad thing for the U.S. Government to condemn religious persecution, the persecution of minorities in China, Tibet. No one says that, and yet the efforts were made to avoid a substantive vote on these amendments today.

I mentioned just a moment ago the high-profile dissidents who have been exiled from their homeland, none of those more prominent than Wei Jingsheng. It has been my privilege and honor to get to know some of those dissidents, who have been exiled, who now in this country advocate for democracy in their homeland. The story of Wei Jingsheng is one of the most intriguing and most inspiring.

I am quoting now from Orvile Schell's ''Mandate of Heaven'':

Wei Jingsheng, a young electrician working at the Beijing zoo, and editor of a publication called ''Explorations,'' became one of the most trenchant critics of the Chinese Government. On December 5, 1978, he posted a critique of Deng's Modernization Program that insisted that modernizing agriculture, industry, science and technology and national defense without also embracing a fifth modernization, namely, democracy, was futile. That was his crime. He dared to critique his leaders' philosophy by saying, ''We may modernize agriculture, industry, science, technology, and defense, but unless we have structural change in the area of democracy, it will be futile.''

That was his crime.

Then Wei Jinsheng asked this:

''What is true democracy?'' his wall poster asked. It means the right of people to choose their own representatives, who will work according to their will and in their interests. Only this can be called democracy. Furthermore, the people must have power to replace their representatives any time so that these representatives cannot go on deceiving others in the name of the people. We hold that people should not give any political leader unconditional trust. Does Deng want democracy? No, he does not, asserted Wei. Then as if he were engaged in an actual face-to-face with Deng, Wei Jingsheng added, we cannot help asking, what do you think democracy means if the people do not have a right to express their ideas freely? How can one speak of democracy? If refusing to allow other people to criticize those in power is your idea of democracy, then what is the difference between this and what is euphemistically called the dictatorship of the proletarian?

Wei was soon arrested. Wei was sentenced to 15 years in prison on charges of having sold state secrets to a foreigner. In jail, he became a troublesome reminder of the party's arbitrary power to suppress political opposition, until he was finally released in the fall of 1993 in an effort by the Chinese government to enhance its chances of bringing the 2000 Olympic games to Beijing.

Mr. KERRY. Will the Senator yield for a point of inquiry?

Mr. HUTCHINSON. I am happy to yield.

Mr. KERRY. We have a vote at 10:15, and there are a couple folks who hope to make a comments. Could the Senator perhaps indicate to the Senate when he might be concluding?

Mr. HUTCHINSON. I was on the verge of concluding my remarks.

Mr. KERRY. I thank my colleague. I apologize.

Mr. HUTCHINSON. I was quoting from Orvile Schell's ''Mandate of Heaven,'' the background and inspiring story of Wei Jingsheng, who went to prison, spent many years in prison, because he dared to say democracy isn't democracy until there is freedom to criticize your elected officials.

The headline today in the Washington Time says it all: ''Beijing Government Denies Visas to Three Reporters.''

They do not understand freedom. We need to take a stand in this body to say that the practices and the human rights abuses that continue in China are wrong. If they will say that, we will do what is within our power to truly engage the Chinese, the Chinese government, by confronting them where they are wrong, encouraging them where they are making progress.

This administration has done too little. This amendment today can be a step in the right direction. It can be a step in which we take a forthright stand for human rights and convey a message as our President goes, convey a message to the Chinese Government, that human rights are taken seriously in this country, that human rights will not take a back seat to trade.

I yield the floor.

Mr. LEVIN. Mr. President, the amendment before the Senate raises very, very serious issues that I think all of us have some strong feelings about, hopefully on the same side of the issue. I can't imagine there is a Member of this body who would support religious repression, forced sterilization, forced abortion, or the other activities which too often occur in this world, including in China.

It is because this amendment raises such serious issues that it seems to me there are going to be many people who, understandably, are going to want to pursue what those issues are and to see whether we should not, indeed, address those activities, not just for China but for wherever they occur.

One of the questions which this amendment raises is religious repression—intolerable, anywhere. Intolerable, whether it occurs in China or in Saudi Arabia or any other country.

This amendment is aimed exclusively at China. The issues that it raises are incredibly serious; the activities that are described are incredibly reprehensible and deplorable, wherever they occur. The question is whether or not this country should adopt a policy of denying visas and, if so, whether or not it is a policy which is manageable; can we determine which of the hundred of thousands of visa applicants—for instance, which were issued to Chinese nationals—probably millions in other countries—can be investigated. If so, by whom and under what circumstances? Is it a practical policy?

On the Armed Services Committee, we have not held hearings on this. This is not something that comes within our jurisdiction. This is a Foreign Relations Committee issue, which they, hopefully, have either looked at or will look at. This has to do with the State Department and Justice Department, not the Defense Department.

So we are sitting here with a defense bill, being presented with a very serious issue that should be dealt with, I believe, generically, wherever the activity occurs, and it should be aimed at any country—not just at one, but all countries where these activities occur—and it should be a policy that can be implemented.

Does this amendment meet that test? I think there are people who feel that,

no, it doesn't. But it raises such serious issues that we ought to find a way to deal with these issues. I am one of those people. I am second to none in terms of my opposition to religious repression. My family has felt enough of that through our generation. I am second to none in terms of what I believe is the reprehensible character of a forced abortion or a sterilization policy. We don't have to take second seats to each other in terms of our abhorrence of those kinds of activities. But I would hope that, as a body that tries to deliberate on a policy and apply it wherever it should be applied, we would take enough time to ask ourselves if forced abortion is reprehensible, and do we want anybody who perpetrates it to have a visa. If so, apply it uniformly; if not, apply it uniformly.

We have an amendment which says the top leaders of the country—the policymakers—are exempt from the denial of a visa. The Cabinet officers in China, presumably, who make policy, can get visas; but any 200,000 nationals of China are supposed to be investigated to see whether or not they implemented a reprehensible policy. You let the Cabinet officers off the hook, but the 200,000 nationals beneath the Cabinet officers are the ones whose visa applications presumably are supposed to be investigated. Why are we letting the policymakers off the hook? Why do they get visas to come in here, but people who may or may not have been implementing the policy are the ones whose visa applications will be investigated?

We have a 1,500-page book, ''State Department Analysis of Human Rights Violations Around the World.'' It is a very useful book. Just open to a page just about anyplace—on page 1,561 it relates to Saudi Arabia: ''The Government does not permit public non-Moslem religious activities. Non-Moslem worshipers risk arrest, lashing and deportation for engaging in religious activities that attract official attention.''

Now, the policy of denying visas may or may not be workable, but we surely ought to apply it uniformly where the activity is as reprehensible in one country as it is in another. But the amendment before us doesn't do that. It singles out a single country; it singles out 10 pages of those 1,500 pages and says that this is where we are going to apply the visa denial policy. Is that what we want to do as a Senate? Should we take the time to decide whether or not we want to do it that way? I think we ought to. Is a policy of religious persecution or forced abortion as reprehensible if it occurs there, as well as if it occurs elsewhere? I think it is.

So what we have before us is a very, very sincere effort to address a real human rights problem—more than one—pages and pages of human rights problems in China. I said 10, but I wasn't sure; it could be 50 for all I know. These are huge human rights violations in China—huge. The Senator from Arkansas is correct in pointing them out, in my book. I give him credit for pointing them out. But there are issues that are raised, which must be addressed by a Senate that is serious about addressing these issues uniformly, generically, wherever they exist. In my book, that is what we should try to find a way to do.

Can we do this on a defense authorization bill? I do not believe that we are going to be able to resolve these issues here. Should we acknowledge that the issues are indeed real ones? I think we should find a way to do that.

So there is going to be some real reluctance, in my judgment—honest reluctance, may I say to my friend from Arkansas—to table an amendment from those who nonetheless have questions as to whether or not this amendment should apply to people who engage in activities wherever they engage in them, not just in China, and should apply to top level officials, not just to the 200,000 nationals beneath them who applied for visas. So however people vote on the motion—and I hope everybody is troubled by the activity equally and with the same commitment and passion as our friend from Arkansas—I believe that will reflect, in their judgment, a decision as to whether or not the issue is an important issue, as I believe and I think all of us believe it is, but also how do we deal with it on a defense authorization bill. That is an honest dilemma that people feel.

So the suggestion that people who will vote against tabling may disagree with the Senator from Arkansas, I don't believe is a fair accusation about many of us who will vote against tabling. Many of us who will vote against tabling have a lot of issues that we feel should be resolved relative to the issue that has been raised by the Senator from Arkansas—honest, legitimate improvements that could be made or considerations that could be made on the points he has raised, including the few that I have just enumerated here. Do we want to apply this to top officials? If so, why are they given exemption? Do we want to apply it wherever the activities occur, not just in China? If so, why is this limited to China? Is this a workable process when you have millions of visa applications—200,000 from China alone? We don't know on the Armed Services Committee. We have surely not had an opportunity to have a hearing into this subject, which I think would have been highly useful prior to this amendment coming to the floor.

Mr. President, there will be an effort, I know, to table this, or a motion that Senator WARNER hopes to make around 10:15. I know there is at least one other speaker who wants to be heard.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, there is no more important role that the U.S. Senate plays than its role to advise and consent on treaties, as well as its larger role on foreign policy. In the 14 years that I have had the privilege of serving in the U.S. Senate, I have watched the Senate choose carefully, usually, how it exercises that authority.

We have had some great debates here in the Senate at appropriate times over issues of enormous consequence to our country. And our efforts have usually been—I can remember some of these debates very well, whether it was over the Contras, or over the appointment of nuclear weapons in Europe, or over relationships with China previously—that where Presidents have been executing their constitutional authority on behalf of our country to engage in direct diplomacy, the Senate has tried normally to exercise both restraint and good judgment about what we choose to take up, when, and how as it might affect those policies.

I know that there has always been a conscious effort in the Senate to try to be judicious about respecting the ability of the President of the United States to speak for the country. I know from personal history here that there were times when President Reagan, or President Bush may have been poised to travel to another country and engage in direct diplomacy, and we were beseeched by our colleagues not to raise X, Y or Z issue in a particular way, not to raise it but in a particular way that might do mischief to the larger interests of the country.

I simply am confounded and disturbed and troubled by what is happening here.

One might ask the question: What has happened to the U.S. Senate? What has happened to the disparate issues within this body where we try to reach across the aisle in the interests of our country and put politics aside just for a few days and a few hours?

There isn't anybody in the U.S. Senate who doesn't understand how horrendous the policies of China are with respect to human rights. And there are 365 days a year where we can choose to make that clear in any number of ways, and we do, whether in hearings, or in press conferences, or even in legislation. But to be coming to the floor of the U.S. Senate the day before the President of the United States leaves to speak for our country—not for a party, for our country—and diminish the capacity of that President to go to China carrying the full measure of support of the Nation is nothing less than mischievous and partisan.

I think it is entirely appropriate for any Senator to give any speech he or she wants whenever he or she wants. Any Senator can come to the floor at any time and raise an issue. That is appropriate. Any Senator can have a series of press conferences. Any Senator can introduce legislation. But what are we doing amending the Foreign Relations Authorization Act on the Defense Act without even having hearings within the Foreign Relations Committee? And why is it that we are suddenly

discussing satellite technology when everybody knows that about every committee in the U.S. Senate has an investigation going on and none of them have reported back? None of them they have reported back. Yet, here we are with legislation on satellite technology which has no purpose other than to try to play a partisan political hand.

What is horrendous about this is that it isn't just transparent. It isn't just partisan. It isn't just obvious. It is dangerous. It is damaging.

It diminishes the ability of the President to go with a sense that he has sort of a clear playing field, if you will, an ability to be able to play out what has been a carefully thought-out, several-month strategy of how to engage in this particular summitry.

It has already been made difficult enough by another set of issues. India and Pakistan have altered 50 years of understanding with respect to nuclear weaponry. We have huge issues about Tibet, enormous issues about the Asian flu. Holding China to its promise to maintain the valuation on its currency, not to devalue; enormous issues with respect to Burma, Cambodia where they are trying to hold elections and restore what was a huge U.N. investment in democracy; enormous interests with respect to the South China Sea; relationship with the Spratly Islands; China and its aggressiveness within that region; a whole set of any issues with respect to North Korea as a consequence of what has happened with respect to India and Pakistan and North Korea's statements that they now want to move to abrogate the agreements that we reached with respect to nuclear weaponry and nuclear power.

Those are substantive, significant, enormous issues that go so far beyond day-to-day partisanship and concerns of party. It is mind-boggling.

So what excuse is there for turning the defense authorization bill into a bonanza for political gamesmanship with respect to China on the eve of the President leaving? I think it is inexcusable, notwithstanding the merits of the amendment. No one is going to argue the merits of the amendment. What American is going to stand up and say, ''Oh. I am for forced abortion?'' I mean is this really the issue that we ought to be dealing with in the context of DOD right now? No. It certainly is an issue worthy of dealing with at any time. And I am confident that the President of the United States could raise that and a whole host of issues with the Chinese.

This morning we had a breakfast with the Secretary of State talking about her trip to China. I didn't notice the Senators of concern here with these amendments at that breakfast working on what she might be raising. I didn't notice them at a number of briefings recently with Sandy Berger or other people working on the precursor effort to lay down what might happen there. There is a world of difference between trying to achieve these things, and in a realistic way, and playing out the politics on the floor of the U.S. Senate.

Mr. President, I cannot say enough. This institution has a great tradition. And some of that tradition is a great part of history. Senator Vandenberg made a name that stays in history based on a willingness to reach across the aisle. Traditionally, every time we have ever seen a President go, I have heard talk on the floor of the Senate about how we ought to be judicious and how we ought to be cautious and how we ought to strengthen the hand of the President and not engage in this kind of politics, as appropriate as the substance and merits may be. And they are. There is no issue about the substance and the merits here; none whatsoever. It is 100 to nothing as to what you are going to do. But that is what even makes more of a mockery of the politics of it because it is 100 to nothing, because this is so clear it even underscores more, I think, the meddling nature and the politics of what is happening here.

Mr. President, I know there is a desire to try to have a vote now. I am saddened to see the Senate engage in this kind of activity in the hours before the President of the United States goes to engage the most populous nation in the world and a nuclear power in the most serious set of discussions we have had in a long time, in my judgment. It is so inappropriate that I think we should just not have a series of votes on this measure until we make up our mind that we are going to legislate intelligently and seriously about the issues of the defense authorization bill and not a set of larger foreign policy goals.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I know that everyone is expecting a vote shortly, and the distinguished Senator from Virginia has noted that he will be making a motion to table in just a moment. But I want to take a couple of minutes simply to applaud the two previous speakers.

Let me thank the distinguished Senator from Michigan and the Senator from Massachusetts both for their eloquence and their passion with which they articulated their views. Clearly these issues deserve a lot more attention and consideration and careful thought than what they have been given so far.

We have heard a couple of speeches; that is it. As the Senator from Michigan has noted, these deserve an opportunity to be heard and thoughtfully considered in ways that ought to include committee consideration, ought to include other amendments, ought to include other countries. And that, in essence, is what argument the Senator from Michigan made, I think, with a great deal of authenticity and authority this morning.

Then the issue of timing. Mr. President, if there was ever a question about what it was these amendments were truly designed to do, it is simply, as the Senator from Massachusetts noted, designed to embarrass the President of the United States on the eve of his trip.

That is what this is about. And I hope Republicans and Democrats understand, what comes around goes around. And I hope everyone understands that, in the past moments of equal import, this isn't what the Senate did, this isn't the way the Senate operated; on a bipartisan basis, we would send the head of state off to another country with a clear understanding that we would stop at the water's edge when it came to sending the wrong message, that we would send President Bush to another country with the realization that we were behind him, that we would send President Reagan to Reykjavik with a clear understanding that he had very big issues he had to deal with and we were going to protect his right to stand united for this country in negotiations as important as they were.

Time after time, in situation after situation, we put politics aside. We knew what we had to do. We knew there was a time for politics, there was a time for issues, and there was a time to pull together as Americans, saying, look, we don't support you, Mr. President, on virtually anything, but when it comes to this, what could be more important?

Well, there are some in this Chamber who have come to the conclusion that that is no longer the way we do business here. We do not care what message we send about the importance of American unity. We do not care whether progress is going to be made on a historic trip of this kind. We do not really care whether or not he comes back with a collective appreciation of new accomplishments having to do with trade and maybe even human rights and shipments abroad and abortion and all of the other issues dealing with human rights. That doesn't matter, because we want to make our points on the Senate floor.

Mr. President, I hope we take a collective step back. I hope we take a good look at what message this sends. And I will tell all of my colleagues, I see this as a procedural vote. I am not going to vote to table, because I am not going to allow one single vote on China this week. And if we are going to play this game, we are not going to have any votes on defense either. I am going to be voting against cloture, because I don't want to see any votes on defense, any votes on China, any votes that are as reckless as they would be cast were we to have votes this afternoon or on any other issue regarding China or other matters pertaining to defense.

So it is over. We might as well pull this bill. We are not going to have those votes. We are not going to embarrass this President. We are going to stick to procedural votes, and we will let everybody make their own decision. But we are not going to have votes on substance when it comes to issues of this import.

So, Mr. President, that is my position. I hope my colleagues will subscribe to it. I hope that we can come back to our senses and do the right thing, come together in a bipartisan way and send the right message. We are not doing that right now.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as one of the comanagers of this bill, together with the distinguished chairman of the committee, Mr. THURMOND, I receive that news as very disheartening. It is imperative that the defense bill go forward. As you know, Defense Appropriations is prepared to complete their work. And if you get out of sync the authorizations/appropriations cycle, it does not work to the benefit of the overall Department.

On this issue, there is a bipartisan feeling. I am going to move to table, against the will of a considerable number of my colleagues, and I know that there are others here who are going to join me; I don't know what in number. So it is not, I think, quite the political structure as our distinguished Democratic leader has observed.

So, Mr. President, what I would like to do is to ask unanimous consent that I be recognized in 5 minutes for the purpose of tabling, and that 5 minutes is to accommodate the Senator from California so that she might make her remarks.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. Is there an objection?

Mr. COATS. Reserving the right to object, if there is going to be additional time allotted—the Senator from Arkansas spoke; the Senator from Massachusetts spoke—if there is going to be additional time allotted, I believe it ought to be allotted on an equally shared basis. If additional Senators are going to speak, this Senator would like to speak for an equal amount of time, whatever that time is.

Mr. WARNER. I know the leadership is quite anxious to have this vote. Why don't we just ask for—say I be recognized in 8 minutes—for 4 minutes on this side and 4 minutes on this side in the control of—does the Senator from Indiana wish to control the 4 minutes?

Mr. COATS. I would be happy to.

The PRESIDING OFFICER. Is there an objection?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Reserving the right to object, let me inquire of the manager, the Rose Garden signing for our agriculture research bill occurs at 10:30. My hope had been that the vote would occur—I think that perhaps was the manager's intent—so that those of us involved in that legislation could be there. Therefore, the additional time gives some of us a problem.

Mr. WARNER. Mr. President, if I might just speak with the Democratic leader.

Mr. President, we did our very best to accommodate the Senator from California. The Senator from Virginia now moves to table amendment No. 2737 and asks for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2737. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

The result was announced—yeas 14, nays 82, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—14

Cochran	Lugar	Smith (OR)
Grams	McCain	Stevens
Hagel	Robb	Thomas
Jeffords	Roberts	Warner
Lieberman	Roth	

NAYS—82

Abraham	Enzi	Lautenberg
Akaka	Faircloth	Leahy
Allard	Feingold	Levin
Ashcroft	Feinstein	Lott
Baucus	Ford	Mack
Biden	Frist	McConnell
Bingaman	Glenn	Mikulski
Bond	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gramm	Murkowski
Brownback	Grassley	Murray
Bryan	Gregg	Nickles
Bumpers	Harkin	Reed
Burns	Hatch	Reid
Byrd	Helms	Rockefeller
Campbell	Hollings	Santorum
Cleland	Hutchinson	Sarbanes
Coats	Hutchison	Sessions
Collins	Inhofe	Shelby
Conrad	Inouye	Smith (NH)
Coverdell	Johnson	Snowe
Craig	Kempthorne	Thompson
D'Amato	Kennedy	Thurmond
Daschle	Kerrey	Torricelli
DeWine	Kerry	Wellstone
Dodd	Kohl	Wyden
Dorgan	Kyl	
Durbin	Landrieu	

NOT VOTING—4

Bennett	Domenici
Chafee	Specter

The motion to lay on the table the amendment (No. 2737) was rejected.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I ask for division on the Hutchinson amendment.

The PRESIDING OFFICER. The amendment is divided.

The Democratic leader.

Mr. DASCHLE. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered on division I.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HUTCHINSON. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I inquire of the Senator from California as to how long she would foresee speaking? There were a number of comments made as to my motivation on this amendment and questioning the timeliness. I would like to have an opportunity to respond.

In addition, we have a division on the amendment and I would like to speak to that division of my amendment.

Rather than yielding for a lengthy speech, I think we need to proceed with the division.

Mrs. FEINSTEIN. Mr. President, if I may respond, I will try to truncate my remarks to the distinguished Senator.

This is a major interest of mine. I believe I have some things to say about the resolution, the situation in general, which have some merit. There is no time agreement at the present time, and I have been waiting.

I would like to make my remarks in their entirety.

DIVISION I OF AMENDMENT 2737, AS MODIFIED

Mr. HUTCHINSON. Mr. President, the pending business is the division, the first amendment dealing with forced abortions. I would be glad to yield 5 minutes to the Senator from California to make some remarks, but I would really like——

The PRESIDING OFFICER. The Presiding Officer would observe there is no time agreed to.

The Senator from Arkansas has the floor.

Mr. HUTCHINSON. I ask unanimous consent that the Senator from California be granted 5 minutes.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. An objection is heard.

Mr. HUTCHINSON. Mr. President, the amendment before the Senate deals with forced abortions, forced abortions in China. Some of the comments earlier regarding this amendment questioned my motivation in offering——

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

There was an objection to the request by the Senator from California in regard to her request, so the Senator from Arkansas has the floor and the Senator is recognized.

Mr. HUTCHINSON. I thank you, Mr. President.

Questions were raised as to my intention and motivation in offering an amendment on forced abortions in China. I would like to point out to my colleagues who question my motivation of the timing of the amendments, these are amendments, word for word, that passed the House of Representatives last year. They passed the House of Representatives last year.

Mr. KERRY. Will the Senator yield?

Mr. HUTCHINSON. I will not yield for a question at this time.

The PRESIDING OFFICER. The Senator declines to yield.

The Senator from Arkansas is recognized.

Mr. HUTCHINSON. The question was raised as to the timing of these amendments being offered. The accusation was made this is strictly to score political points. I have no desire to score political points. I would have greatly desired to have the amendments voted on 1 month ago, 2 months ago, or 6 months ago.

Those who have followed the China policy debate will be well aware that these amendments passed the U.S. House of Representatives last year, have been pending in the Foreign Affairs Committee in the Senate for months, and have languished in that committee without having a hearing.

Therefore, I think it was perfectly appropriate to file these amendments. The forced abortion amendment was filed more than a month ago on the Department of Defense authorization bill. The provision in the overall amendment dealing with religious persecution in China was filed May 18, well over a month ago.

I remind my colleague there was never any intent that somehow this debate, on the eve of the President's trip to China—if we had not had a 4-week hiatus in debating tobacco in this Chamber, perhaps we would have had DOD up a month ago and would have had an opportunity to have these amendments voted on a month ago. But that wasn't the case. To question my motivation and the motivation of many of my colleagues who feel very deeply about the human rights abuses that are ongoing in China today, I think, is to do us a disservice; and to question our patriotism is wrong. In fact, to question our support for the President as he makes this trip is wrong, because I do support him. To the extent that he will raise human rights issues, to the extent that he will engage Chinese leadership on nuclear proliferation and proliferation of weapons of mass destruction, and to the extent that the President will engage the Chinese leadership on trade issues, I support him for that. I am glad for that. I believe the amendments I have offered will strengthen the President's ability to deal with the Chinese Government on these sensitive human rights issues.

We have talked somewhat about the forced abortion provision. I think it is an important part of this. The very powerful subcommittee hearing that Congressman CHRIS SMITH had only a couple of weeks ago, which received wide publicity, perhaps brought to a new level the awareness of the American people regarding the terrible practice of coerced abortions and coerced sterilizations in China today. That is the amendment that is before us at this time.

People have questioned why we should deal with China and not deal with the broader context of a host of human rights abuses that exist around the world. During the course of the debate on China, I have heard repeatedly that we should not try to isolate China and that one out of every four people in the world lives in China. That is why it is worthwhile for us to deal with the human rights abuses in this nation singularly and specifically. And, truly, the kinds of practices that have been all too commonplace in China deserve our attention.

I also point out to my colleagues that the issue before us in this amendment is not one of being pro-life or being pro-choice, because people on both sides of the life issue condemn the kinds of practices that are going on in China today in which coerced abortions are used in too many cases, where the one-child family planning policy has not been adhered to.

So I believe that not only is this a timely amendment, in the sense that it passed the House last year and has been languishing—we have not had an opportunity. Amendments were filed over a year ago. It is quite appropriate that we deal specifically with the case of China and the abuses that are going on there. Once again, had the President delayed the trip, if he were going in November, I would still be pushing for these amendments to be voted on now. I am not a Johnny-come-lately to the China debate. We were involved in this during the MFN debates during my 4 years in the House. This is an issue I feel strongly about. It is an issue I am simply not going to be quiet about. I think if we are to highlight the kinds of freedoms that we as Americans cherish on the eve of our President's trip to a country that is repressed—and today we found out that even three reporters with Radio Free Asia are being denied visas—this is an opportunity for us to do it. We can do it in this country by even disagreeing, at times, with the foreign policy of our country.

(Mr. GRAMS assumed the chair.)

Mr. KYL. Will the Senator yield for two questions?

Mr. HUTCHINSON. Yes, without losing the floor, I will be glad to yield for a question.

Mr. KYL. The Senator just mentioned the denial, or the reported denial, of visas for three people from Radio Free Asia who, as I gather, wanted to be part of the trip to China and to accompany the President's entourage to report on defense. Do I understand that to be the news report that the Senator from Arkansas was just referring to?

Mr. HUTCHINSON. I say to the Senator, it is my understanding that they had already been approved by the administration to travel to China and that it was only at the 11th hour that the Chinese Government denied their visas and their right to go and provide coverage for the President's summit in Beijing.

Mr. KYL. Right. It seems to me—and this is the predicate for my second question—many of us are uncomfortable with some of the sanctions that we have automatically initiated. I personally have some concern about the sanctions on India and Pakistan, for example, notwithstanding the objection, of course, to what they did. The question has been asked: If not sanctions, then what?

I remember when I was in the House of Representatives asking the question of the then-Secretary of Defense, what kind of foreign policy options do we have diplomatically, economically, militarily, and so on, if we are not going to invoke sanctions, trying to affect policies in other countries that we have deep disagreement with, including the kind of policies the Senator from Arkansas was talking about. One of his answers was that there are literally hundreds of decisions each week that are made by various Departments of the U.S. Government, as well as private entities, that have some impact on our relationships with another country.

One of the things I recall having been mentioned was visa policy, for example. Now, the Chinese Government appears to be using the granting or denial of visas to make points with respect to their foreign policy. If the Senator from Arkansas is correct—and I recall the news report this morning—they are actually denying the visas of three people whom they have a beef with because they have been involved in sending signals, radio transmissions about freedom, to their country, and apparently they don't like that. One way of dealing with it is to deny the visas of these three people—at least, if I have that correct.

My question to the Senator from Arkansas is: Is it his view that policies such as dealing with visas of people wanting to travel from another country to China are perhaps another more focused, more targeted, more sophisticated way to deal with some of these policy issues than just slapping on sanctions—although there are appropriate sanctions—depending on what the situation is?

Mr. HUTCHINSON. I appreciate the question. I think the Senator is exactly right, that visas and the denial of visas can be used to make a political point.

The irony of the vote we just cast has not been lost upon you. I hope it hasn't been lost upon the people of the United States. We basically denied a vote and we rejected the possibility of voting up or down on denying visas for those where there is credible evidence that they are involved in forced abortions or religious persecution. We do that on the day that, as the news reported, the Chinese denied visas to those seeking to report on news events, to report to the people of China what is going on at the summit.

So it is highly ironic. I know Senator KYL has been greatly involved in the broader reform of our sanctions laws. I think that is a worthwhile endeavor. But that effort does not preclude us from taking these kinds of narrowly targeted actions. That is why the amendment dealing with forced abortions and the denial of visas to those involved in forced abortions and forced sterilization is an appropriate step for us to take, short of MFN, short of trade sanctions, but still with the ability to send a very powerful message.

Mr. KYL. May I ask one other question?

Mr. HUTCHINSON. I will yield for a question without losing my right to the floor.

Mr. KYL. The headline is ''Beijing Pulls Visas of Three U.S. Reporters; Move Targets Radio Free Asia.''

Deep in the article, it is noted that the three reporters were not all American citizens, but that is really irrelevant to the point here. The point is that the Chinese Government, apparently, uses the granting or denial of visas as a way to effectuate aspects of its foreign policy. It would be difficult, therefore, it seems to me, for the Chinese Government to argue that there is anything wrong with the United States Government using that same kind of visa authority to make points with respect to our foreign policy.

My question is this: If it is United States policy that the kind of forced sterilization and abortion policy China has is inimical to the human rights and freedoms that we enjoy here in the United States and have urged upon the Chinese people, then why would it be inappropriate for the United States Government to use the very same—let me rephrase the question. What would lead us to think that the Chinese Government would have any right to object to the use of visa policy, since the Chinese Government itself has used visa policy to effectuate their foreign policy considerations?

Why would there be any objection, per se, to the use of visa policy by the United States?

Mr. HUTCHINSON. Your logic is compelling. There should be no objection to the United States utilizing denial of visas as a furtherance of our foreign policy and our belief in human rights, because it is now obvious that it is the practice of the Chinese Government, when they feel it is in their security interests or their national interests, to deny visas. They have no compunction about doing that. In fact, to me, as we look at the buildup to this trip, there has been a lot of give and take, a lot of negotiating that has gone on. It seems to me that we have made many concessions in leading up to this trip. We have been concerned about embarrassing, about causing them to lose faith, about being insensitive to their situation. But for the Chinese Government to deny visas for Radio Free Asia reporters I think is a tremendous kick in the teeth to the American Government and to the American people, who value the freedom of the press so preciously and put such high esteem upon that freedom.

So it is unfortunate that this has happened, and it is, I think, all too reflective of the attitude of the Chinese Government toward the freedom of the press and freedom in general to have made this clampdown. They just do not seem to get it—rounding up dissidents in Tiananmen Square in preparation for the President. We would rather have a protester there. How heartening it would be to the American people to see someone holding up a sign saying ''Free Tibet'' there in Tiananmen Square. But no. Their idea is stability at all costs, even if that means repression of the Chinese people.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. HUTCHINSON. I yield to the Senator from Missouri while controlling the floor.

Mr. ASHCROFT. If I am not mistaken, Congressman SMITH held a pretty dramatic set of hearings, and there was testimony at the hearing about forced abortions in China. Is the Senator aware of that hearing?

Mr. HUTCHINSON. I am quite aware of that hearing.

Mr. ASHCROFT. I suppose that the Senator is aware of the testimony that was given at that hearing.

Mr. HUTCHINSON. I say to the Senator from Missouri, in answering the question, that I am quite aware of the testimony. I have examined closely the testimony that was presented, especially by Ms. Gao Xiao Duan.

Mr. ASHCROFT. Is this the woman who was there at the site, understanding exactly what was happening there?

Mr. HUTCHINSON. She was actually the director, it is my understanding, and supervised and implemented the one-child policy.

Further yielding for a question.

Mr. ASHCROFT. So she was the person who was implementing a one-child policy, which was a policy of forcing abortions for subsequent pregnancies.

Mr. HUTCHINSON. That is my understanding. And she was quite accurate in her testimony.

Mr. ASHCROFT. Did she say there were techniques used to make people get abortions, that there was intimidation?

I have heard they threatened to burn houses and that they did other things that would intimidate individuals.

Was that part of the testimony?

Mr. HUTCHINSON. It indeed was.

Let me read one statement that Ms. Gao Xiao Duan made in her testimony. She said, ''In all of those 14 years I was a monster in the daytime injuring others by the Chinese Communist authorities' barbaric, planned birth policy. But, in the evening, I was like all other women and mothers enjoying my life with my children. I could not live such a dual life any more. To all those injured women, to all those children who were killed, I want to repent and say sincerely that I am sorry.''

That was very powerful testimony that she presented that day.

She did talk about methods of intimidation and the fines that were enforced, as well as the physical intimidation, and the carrying them off to jail if they refused to have an abortion, and the very severe physical methods that were used, as well as the financial.

Yielding for a question.

Mr. ASHCROFT. There was incarceration. I am asking the Senator: If the woman refused to get an abortion, she would be hauled off to jail?

Mr. HUTCHINSON. That is correct.

Mr. ASHCROFT. Beyond that, they would take the resources, by fining her, that she might otherwise use to support her family.

Mr. HUTCHINSON. The Senator is correct. They called them—''population jail cells'' was the terminology that she used. Women were rounded up, held in population jail cells, forced and coerced to submit to the killing of their children. There was, I think, an eye opener for the American people to hear this very powerful testimony.

Mr. ASHCROFT. This is the testimony of an individual who was involved in the practice. Is this some American reporter who has testimony or an individual who was part of this operation?

Mr. HUTCHINSON. In responding to the question of the Senator from Missouri, she was the former head of China's planned birth control office from 1984 to 1998. For 14 years she held that position. Only recently did she leave.

Mr. ASHCROFT. Was her testimony such that this was an isolated incident, or was her testimony that this was the kind of pattern or practice that had been done over a term of years?

Mr. HUTCHINSON. It was presented as being a very common practice. I think maybe that was part of what was so shocking. I say to the Senator from Missouri, in response to the question, that the presentation in defense of China has been that these are isolated instances of coerced abortion and forced sterilizations, that they are in remote areas, difficult areas to enforce, that the central Government doesn't approve of this, local forces simply do it on their own. I think the testimony of this person, who was the head of the office, actively involved in it, demonstrates this was a very systematic, planned program of coercion that was used across the nation in villages and cities.

Mr. ASHCROFT. I take it the Senator doesn't use the word ''coercion'' lightly. This isn't just an abortion clinic; this is a place where people were forced to go to have abortions.

Mr. HUTCHINSON. The Senator is correct. I did not use the term ''coercion'' lightly. I think ''coercion'' has to be beyond merely fines, although fines can very be intimidating. Homes were wrecked and destroyed, and the person wasn't able to pay the fine, if they violated the one-child policy.

I yield for a further question.

Mr. ASHCROFT. Is the Senator telling me that if the person was jailed and fined and the fines somehow didn't deter the individuals, their homes were destroyed?

Mr. HUTCHINSON. The Senator is correct. That is why I think the term ''coercion'' is the proper term, because it involved physical force. They would be physically removed. They would be taken to jail cells. They would be forced to have an abortion.

Mr. ASHCROFT. The Senator's amendment is designed to say that the United States of America—I am asking the question—will not extend visas to individuals who were involved in this kind of coerced abortion activity?

Mr. HUTCHINSON. Responding to the Senator, this amendment condemns the practice, which I am sure everybody in this Chamber would. It goes further and says that visas will be denied to those individuals for whom there is credible evidence that they have been involved in perpetrating the practice of coerced abortions. That credible evidence would be determined by the Department of State, by the Secretary of State herself, if need be.

When we talk about enforcement, when we talk about the number of people involved, we are talking here, speaking in this amendment, about credible evidence, and there are human rights groups as well who monitor the conditions in China, who monitor human rights abuses in China, who come forward with reports. And there will be and has been from time to time evidence of individuals who are involved in this horrendous practice. We would say those individuals for whom there is credible evidence that they have been involved in forced abortions should not be allowed to receive a visa and travel to the United States.

Mr. ASHCROFT. May I ask the Senator one more question?

Mr. HUTCHINSON. I will be glad to yield for a question.

Mr. ASHCROFT. So the Senator's amendment is not to deny a visa to someone who had an abortion or someone who has participated in an abortion clinic that wasn't a coerced abortion. You are just focused on this situation where people were intimidated, coerced, sometimes jailed, sometimes fined, sometimes actually had their homes demolished to force them to destroy an unborn child. Your amendment focuses on persons who are involved in that kind of coercive behavior to force individuals—who want to preserve the life of the child—to destroy the child. Those individuals are the ones that would be denied a visa to enter the United States by this amendment.

Mr. HUTCHINSON. In response to the Senator's question, it is the perpetrator that we are concerned about, it is the person who is enforcing this terrible inhumane policy, brutal policy, grizzly practice of the Government. This certainly isn't the victim. This is a very pro-victim amendment. We want to defend the rights.

I might add again, as I said before, that this is not a pro-life, pro-choice issue.

We are dealing here with a practice that is condemned by all civilized societies and that is coerced; forced abortions using physical force to compel a woman to have an abortion against her will. To vote on this, whether it was a month ago, or whether it be 6 months ago, or on this, the eve of the President's trip, in no way would undercut the ability of the Chief Executive of this country to speak about our foreign policy and our values as a people. In fact, I believe sincerely this will strengthen the ability of our Chief Executive, our President, to go to China, to go to Beijing, to speak with Chinese officials and to defend our values with the full support of the Senate and the House of Representatives and the American people.

Mr. ASHCROFT. May I ask another question?

Mr. HUTCHINSON. I will yield for an additional question.

Mr. ASHCROFT. The Chinese have intimated that they can't control coercive abortion activity in remote regions. I think the testimony we have heard belies that, but the Chinese officials say this is in remote areas. Would the Senator say that China also is unable to control political discussion and political dissent, or are they pretty good at controlling political dissent and just not very good at controlling coerced abortions?

Mr. HUTCHINSON. In response to the Senator's question, what belies the contention that this is a matter of enforcement, what belies the defense that the China apologists make that these are remote areas, it is a vast country, that there is no possible way to prevent some of these abuses, what belies that is, in fact, our own State Department's report which indicates that all political dissidents have been rounded up; that they are—if you hold a protest in some distant province, I assure you the central Government is going to know about it and that you are going to be dealing with the central Government. And so the ability of the central Government to control free speech, free press, freedom of expression really refutes the notion that they are unable to enforce a policy against coerced abortions.

Mr. ASHCROFT. Would the Senator say——

Mr. HUTCHINSON. I will yield for an additional question.

Mr. ASHCROFT. The Senator would say, then, that if the Chinese Government were as vigorous in its defense of the freedom of individuals to have children without destroying them as it is to repress the freedom of people to speak against the government, there would be a far different situation in China today?

Mr. HUTCHINSON. I certainly agree with that statement. I agree. In answering the question, I think that is a correct assertion; that if as much intensity were placed on opening China, on encouraging free expression, on encouraging dissent, as there is on the enforcement of repressive family planning policies and coercive family planning policies, then I think it would be a far different China, and there would be a far different attitude by the American people and by our Government.

The President is correct. I do not believe we can reach our full potential in our relationship with China until we see a revolution in the structure of China, until we see a revolution in freedom in China. I believe that will come. The question is does it come through the current policy, which I think fails to fully engage.

You know, those of us who are critics of the current administration's China policy have been called isolationists. I believe the real isolationists in this debate are those who want to turn a blind eye to things like coerced abortions, those who want to pretend that religious persecution is not going on in China and don't want to address it. So when we find those today who say this is the wrong timing and we don't want to vote on this, this isn't the appropriate time to vote on coerced abortion, this isn't the appropriate time to vote on religious persecution, that appears to me to be something other than an engagement policy. That would seem to me to be an isolationist policy. We don't want to engage them. We should. We should engage them on a full range of issues, including human rights.

And my concern about this administration's policy is that human rights, which at one time was placed on the first tier, when President Clinton, then candidate Clinton said he would not coddle dictators from Baghdad to Beijing, that now is dropped from the first tier to at least the third tier, with trade being No. 1; security, to the extent it is being engaged, No 2; and human rights dropping down to No. 3. I believe, if we are going to have a policy of engagement—and truly have a policy of engagement—we must fully engage them equally on all of these fronts.

Mr. ASHCROFT. Will the Senator from Arkansas yield for another question?

Mr. HUTCHINSON. I yield for another question.

Mr. ASHCROFT. Does the Senator from Arkansas feel that the way China treats its own citizens—its willingness

to coerce them into having forced abortions—reflects the way they feel about human rights and the way they feel about the rights of citizens around the world? And would he care to comment on how that might reflect the rather callous view of the Chinese who are targeting American citizens with what they call city-buster nuclear weapons on their ICBMs? Does the Senator think there is a relationship between this disregard for life that is expressed in coerced abortion policy and the willingness to target peace-loving people in the United States with city-buster nuclear weapons on long-range ICBMs?

Mr. HUTCHINSON. In response to the Senator's question, I would say to the Senator from Missouri that, indeed, there is a relationship. I believe that when life is cheapened in one area, whether that is demonstrated through forced labor, slave labor camps, laogai camps, as they are called in China; whether it is demonstrated through religious persecution and the exile and execution of religious dissidents, religious minorities, or whether it is demonstrated through coerced abortion practices, the cheapening of human life carries over into all aspects of a nation's policy. So the willingness of the Chinese Government, according to the CIA report, to have 13 of their ICBMs targeting the American cities—and as the Senator calls them, city-busters, because the purpose is to have a wide devastation—I think it is related, directly related to that cheapening of human life and the lack of respect for the dignity of human life.

So I would respond to the Senator that way. I certainly think there is a relationship. I appreciate the Senator's question.

I would just say in concluding on this amendment that our own State Department in issuing its China Country Report for 1997 on Human Rights Practices in China addressed this issue of forced abortions. I will only read a small portion of the State Department's report. I think it underscores how serious the situation is. This isn't something that human rights activists on the left and the right in the United States are dreaming up. It is not some fiction that we have created. Our own State Department, in examining the human rights conditions in China, has assessed it this way.

> Penalties for excess births can also be levied against local officials and the mothers' work units, thus creating multiple sources of pressure. Fines for giving birth without authorization vary, but they can be a formidable disincentive. According to the State Family Planning Commission 1996 family planning manual, over 24 million fines were assessed between 1985 and 1993 for children born outside family planning rules. In Fujian, the standard fine has been calculated to be twice a family's gross annual income.

That is to violate the family planning rulings in China makes you suspect, makes you vulnerable to a fine that would be twice your gross annual income. That is an incredibly difficult burden to place on this kind of a so-called violation.

> Additional unauthorized births incur fines assessed in increments of 50 percent per child. In Guangzhou the standard fine is calculated to be 30 to 50 percent of 7 years' income for the average resident. In some cases a ''social compensation fee'' is also imposed. Unpaid fines have sometimes resulted in confiscation or destruction of homes and personal property by local officials. Central government officials acknowledge that such incidents occur, but insist that cases like these are not the norm nor in line with official policy.
>
> The government prohibits the use of force to compel persons to submit to abortion or sterilization, but poor supervision of local officials who are under intense pressure to meet family planning targets can result in instances of abuse including forced abortion and sterilization.

And the report goes on into great detail, and I think provides clear documentation for the need for this amendment.

I think also if you consider, once again, the testimony that was presented before the House Subcommittee on International Operations and Human Rights, the testimony concerning the implementation of the abortion policy of China and the one-child policy of China is truly frightening. I will simply read some of these points to establish the routine the family planning bureau is following:

> I. To establish a computer bank of all women of child-bearing age in the town [whatever town size it might be], including their dates of birth, marriages, children, contraceptive ring insertions, pregnancies, abortions, child-bearing capabilities, etc.
>
> II. To issue ''birth-allowed certificates'' to women who meet the policy and regulations of the central and provincial planned-birth committees, and are therefore allowed to give birth to children. . . . Without a certificate, women are not allowed to give birth to children.

You have to apply. You have to get a certificate. You have to get permission to birth a child.

> Should a woman be found pregnant without a certificate, abortion surgery is performed immediately, regardless of how many months she is pregnant.

I spoke earlier that estimates range as high as a half-million third trimester abortions in China each year. And then, to issue ''birth not allowed'' notices. Such notices are sent to couples when the data concludes that they do not meet the requirements of the policy and are, therefore, not allowed to give birth. A couple whose first born is a boy, or whose first born is a girl but who give birth to a second child, boy or girl, receives such a notice after a period of 3 years and 2 months. Such notices are made public. The purpose of this is to make it known to everyone that the couple is in violation of the policy, therefore facilitating supervision of the couple.

They issue birth control measure implementation notices. They impose monetary penalties on those who violate the provincial regulations. Should they refuse to pay these penalties, supervision team members will apprehend and detain them as long as they do not pay.

The PBO regularly supervises and examines how staff members of Planned Parenthood offices in 22 villages perform their duties. They write monthly synopses of the planned birth reports, which are signed by the town head and the town Communist Party. They analyze informant materials. They have established, in China, a system of informants in accordance with the informing system, and have put these cases on file for investigation.

They have planned birth cadres. There was testimony before Congressman SMITH's subcommittee indicating that these cadres, and the number of people involved in this program, has increased dramatically in recent years, indicating that rather than retreating from this coercive practice, they, instead, are pursuing it with new vigor.

We go on in this testimony. I think it should be a concern to all Americans that this practice is being tolerated and that we have not taken, as the foreign policy of our country, a strong, strong position which this amendment would allow us to do.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I commend the Senator from Arkansas for his outstanding work in this respect. I believe this is an item upon which the Senate must vote, ought to vote, should vote. I am distressed that the minority leader has indicated that votes on these issues would be inappropriate. It seems like they are an embarrassment, potentially, to the President. I think the policy which we have pursued is an embarrassment to the United States of America, and I think we need to change our policy to make clear that we reject the kind of activity which has been spoken of by the Senator from Arkansas.

With that particular thought in mind, and understanding the merit of this particular division, which would deny visas to those who have been actively involved and for whom credible evidence has been developed in the coerced abortion area, I move to table the first division of Senator HUTCHINSON's amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I further ask unanimous consent that the motion be temporarily laid aside for Senator FEINSTEIN to speak. Following her statement, no later than 12:30, the tabling vote to occur.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California is now recognized.

Mrs. FEINSTEIN. Mr. President, I rise on this occasion to share several thoughts. Let me begin by saying, on the amendment before us, I don't believe there is any Member of this body who is for forced abortion. I do not believe there is any Member of this body who would countenance it, who believes it is good public policy and who is reserved about saying that. Therefore, I think we would all hope the President of the United States would come back with a specific commitment in this area from China.

The question I have, that is deeply disturbing to me, is the Senate is being asked to consider amendments on China policy on the eve of, and even during, President Clinton's visit to China. There used to be a bipartisan consensus on foreign policy in this country. There used to be an understanding that when the President is going overseas, Members of both parties would come together, would wish him well, and would support him. I think, certainly in the last 10 or 15 years, this has been the case. I am very concerned that some are using U.S. policy and China as a political or a partisan issue.

I note, with some disappointment, that no Republican of either House has agreed to accompany the President on his trip. To me, this gives credibility to the assumption that the Republicans are going to use the trip in a political way. And I think this is very, very dangerous. What I hope to point out in my remarks is some of the danger inherent in this kind of policy.

Let me, for a moment, talk about the amendments that are before us. Many are controversial. Some would ban various officials from entering the United States; others would prohibit the United States from supporting international loans to China; many run counterproductive to achieving progress with China. Rather, they push division and they encourage China's historic isolationist tendencies.

Just yesterday, language was added that would move the jurisdiction of certain technological export controls from the Commerce Department to the State Department. This is a serious proposal. It is worth looking at. But the majority and minority leaders have appointed task forces to study the issue and assign various committees to look into it.

The vote on this proposal today would be to render a verdict on an investigation when that investigation has barely gotten underway. Anyone who thinks the President's trip will be made more successful by the Senate's consideration of these issues knows very little about China.

I think the President's trip represents an important step forward in building a healthy United States-China relationship. We have major interests. Human rights? Of course, including religious freedom and autonomy for the people of Tibet.

For 9 years, I have been bringing messages from the Dalai Lama to the President of China asking that there be discussions between the two. I hope that the President will plead that cause, both with President Jiang Zemin as well as in his public addresses in university settings.

But right now the times are extremely urgent. We have a kind of economic meltdown going on throughout most of the Asian continent. And this financial crisis is combined with the very serious situation with respect to India and Pakistan.

To underline the dangers that India, Pakistan, and, indeed, the entire international community are faced with on the eve of this trip, I would like to take a few minutes here today to review what we know about the Indian and Pakistani nuclear programs, their capabilities, and what would likely result in a nuclear exchange between India and Pakistan if we are unable to forge a real and lasting peace in the region and the current south Asian political and security environment.

First, what kind of nuclear weapons did India and Pakistan test?

The Indian Government claims to have tested three different designs on May 11, 1998: a fission bomb with a yield of 12 kilotons, explosive power equivalent to 12,000 tons of TNT; a ''thermonuclear device,'' with the yield of 43 kilotons; and a ''low-yield'' device. On May 13, India claims to have tested two additional devices that produced a total yield of less than 1 kiloton.

For comparison, the bomb that destroyed Hiroshima in 1945 produced an estimated yield of 18 kilotons. So one of these Indian tests was over 2½ times the size of the Hiroshima bomb.

According to leading nongovernmental analysts, the low-yield device tested in May of this year was likely a compact design intended for deployment on India's medium-range missiles. The subkiloton tests, according to India, provided information needed to perfect computer simulations of nuclear explosions that could be used in subsequent weapons design work, possibly without the need for future testing.

For its part, Pakistan claims to have detonated five simultaneous nuclear tests on May 28, of boosted devices made with highly enriched uranium, which Samar Mobarik Mand, head of their nuclear test program, claimed produced a total yield in the range of 40 to 45 kilotons. Bear in mind again, Hiroshima was 18. Pakistan conducted an additional nuclear test on May 30. Mand claimed the yield was in the range of 15 to 18 kilotons.

Pakistan has stated that all six tests were boosted fission devices, some of which are designed for deployment on the new Ghauri medium-range missile. The head of Pakistan's nuclear weapons program, A.Q. Khan, claims that although Pakistan has not built a hydrogen bomb, it has conducted research and is capable of building such a device should the Government decide to do so.

U.S. intelligence, as well as independent analysts, have raised some serious questions about the claims made by both India and Pakistan regarding the number and yield of the tests each has claimed to have conducted. Although there is a certain reassurance to be found in these questions—perhaps neither India nor Pakistan is as far along in developing nuclear weapons as they might like us to believe—ultimately, such quibbling rings hollow.

Regardless of the exact number or the exact yield of the Indian and Pakistani tests, these tests have made it abundantly clear that both India and Pakistan must now be considered capable of developing and deploying nuclear weapons, and that both hope to gain political and security leverage from this capability.

Secondly, although neither India nor Pakistan are now nuclear weapons states, given their demonstrated capabilities, how many nuclear weapons could India and Pakistan make?

India's nuclear bombs are fueled by plutonium, a manmade byproduct of fissioning uranium in nuclear reactors. At the end of 1995, India had a total inventory of 315 to 345 kilograms of weapons-grade plutonium, according to a study of world plutonium and highly enriched uranium inventories by independent analysts David Albright, Frans Berkhout, and William Walker.

Assuming that 5 kilograms of plutonium are required to build a bomb, this would give India enough plutonium for some 63 to 69 weapons. So let us assume they have that ability.

Pakistan's bombs are fueled with highly enriched uranium, enriched at its unsafeguarded centrifuge facility at Kahuta. Under pressure from the United States, Pakistan halted production of highly enriched uranium in 1991, but reportedly resumed highly enriched uranium production some months ago. After last month's tests, Pakistan still possesses 335 to 400 kilograms of weapons-grade uranium, enough for some 16 to 20 nuclear bombs, according to the Institute for Science and International Security.

If Pakistan is using boosted warhead designs, as it claims, it would produce a considerably larger number of weapons from the same amount of material, depending on the considerations of yield and weight of individual warheads.

In addition, earlier this year, Pakistan's unsafeguarded plutonium production reactor at Khushab went into

operation. It is estimated that this reactor can produce enough plutonium for at least one to three bombs a year.

Thirdly, how would India and Pakistan deliver these nuclear weapons? Both nations possess advanced military aircraft that would be capable of delivering nuclear weapons. India's military deploys such aircraft as the Jaguar, the Mirage 2000, the MiG–27, and the MiG–29. Pakistan's military aircraft include nuclear-capable, United States-supplied F–16 fighters.

Of greater concern, because of their speed and invulnerability to conventional air-defense systems, are both nations' ballistic missiles.

India's Privthi missile, based on the U.S. Scout, has a range of 150–250 kilometers, depending upon the size of the payload. The two-stage Agni missile, based upon Soviet and German technology, has a much greater range, 1,500 to 2,500 kilometers. India claims the ability to hit targets anywhere in Pakistan with the Agni missile.

Pakistan is believed to have about 30 nuclear-capable M–11 missiles supplied by China. This is a bad thing. The second load of M–11s, to all intents and purposes, have never been delivered. We believe it is important that the President secure, ratify, and maintain the commitment that no further M–11s be sent by China to Pakistan. These missiles have a range of 280–300 kilometers.

Pakistan's recently developed Ghauri missile, developed with the Chinese' and North Korea's assistance, has a range of 1,500 kilometers. Its flight tests in early April may have been one of the factors that moved India's Government to resume nuclear testing.

A.Q. Khan, father of the Pakistani bomb, claims that the nuclear devices tested by Pakistan ''could very easily be put on our Ghauri missiles.'' According to Kahn, Ghauri is the only nuclear-capable Pakistani missile at this time but other missiles could be modified for the mission if necessary. These missiles reduce warning time on both sides to nearly zero, making any nuclear crisis extremely unstable. India could hit targets in Pakistan in 4 minutes, and Pakistan could hit Indian targets in under 12 minutes.

All of this development has been going on, and we are debating forced abortion, but we have this ''macro'' situation evolving right on China's doorstep.

Now, what would be the likely result of a nuclear exchange between India and Pakistan? In 1990, when President Bush was first unable to certify under the Pressler amendment that Pakistan had not acquired nuclear capability, the Department of Energy requested the Program in Arms Control, Disarmament, and International Security at the University of Illinois to conduct a study of nuclear proliferation in south Asia. One of the papers commissioned for that study estimates what the casualties of that war would be if India and Pakistan were to wage war. The study, based on unclassified sources, projected damage for three different scenarios, depending on the size and scale of a nuclear exchange between India and Pakistan, from a war with limited nuclear retaliation to a full-scale exchange.

The results are chilling. At the lowest level, the study determined that there would be between 500,000 and 1 million immediate fatalities on each side in a limited nuclear exchange where the only targets were military centers—500,000 to 1 million people killed in a limited exchange of only military centers. At least another million people would be injured in the attacks, and hundreds of thousands more could be expected to die in the fallout and nuclear poisoning which would follow.

In a larger exchange which would include an attack on urban centers in both countries, this study estimated that, at a minimum, there would be 15 million Pakistani and 30 million Indian immediate fatalities, with millions more injured and expensive economic disruption. South Asia would be reduced to a virtual wasteland.

These projections, I should point out, were based on a 1980 census data projected to 1990. If these figures were recreated today, we could expect the projections, with current census figures, to be that much greater.

Think about the magnitude of such a disaster—45 million immediate deaths within a matter of minutes, almost as many killed in India and Pakistan in a few minutes as were killed around the world during the entire 6 years of World War II. It is a number that boggles the mind. In fact, I find it difficult to believe that I find myself here on the floor of the U.S. Senate discussing such scenarios, such carnage, such loss of human life; it is not within the realm of reality. Yet today this is precisely the danger which India and Pakistan face unless both states, with the support and assistance of the international community—and that includes both China and the United States—are able to take clear and immediate steps to end the current crisis and begin the process of building peace in Asia.

This brings me to the final issue I would like to address: What is the current security and political environment in south Asia?

In the aftermath of the tests, both India and Pakistan have indicated a willingness to enter into peace talks. On June 12, the Indian Foreign Ministry stated, ''India is committed to fostering a relationship of trust and friendship with Pakistan based on mutual respect and regard for each other's concerns.'' Pakistan has also offered to resume peace talks. Neither side, however, appears willing to act to back up this rhetoric. Despite their stated good intentions, as of yet there is no agreement on a time, a place, a format, to enter into discussions to address either the nuclear crisis or other important security issues such as Kashmir or the south Asian security agenda.

This situation is especially troubling because without any confidence and security-building measures in place, without any dialog and discussion, India and Pakistan are especially vulnerable to an inadvertent crisis or to a relatively minor incident sparking a larger conflict.

On just this past Friday—let me give an example—June 19, the press reported an incident in which five armed men, suspected to be Muslim terrorists by Indian authorities, attacked a Hindu wedding party in a mountain village in Kashmir, killing 25 people. Just a week earlier, Pakistani authorities held Indian intelligence to be accountable for planting a bomb on a crowded train. These are two examples of the kinds of incidents which could well launch a nuclear episode. Without dialog, for sure these are the sorts of events that are open to misinterpretation, can lead to miscalculation, escalation, and tragedy of the most horrific sort.

The President of the United States tomorrow leaves for China. We can debate forced abortion. You have an unprecedented currency crisis in Asia. You have major turmoil in Indonesia. You have a very serious situation in Thailand, in South Korea. We see the Japanese yen continuing to deteriorate even after the weekend meetings. Many people there felt that Japan has no formula to recover. And you have the significance and importance escalating now, that the Chinese renminbi, the Hong Kong dollar, not be devalued. This, in itself, will take an unprecedented act of courage on the part of the Chinese.

I believe substantial diplomatic pressure must be brought by the President of the United States to convince the Chinese that against all of this they must hold firm. At the same time, in China, you have an almost impossible situation for the Chinese to maintain. You have the closure of the large state-owned industries taking place and forcing tens of millions of people into unemployment.

The President of China has recently said what he considers an acceptable rate of unemployment—3.5 percent. It would be very lucky if China could confine themselves to that figure. But to have this growing unemployment and still refuse to devalue their currency is a major gesture to the Western World, because what most of these countries seek to do is cut off American markets further and flood our country with their consumer goods at a lower cost. And this is precisely the reason we have the trade imbalance as it is today.

So these are the macro problems, Mr. President, that I respectfully submit to you are appropriate for the major policymaking body of the United States of America to be deliberating—the future of the world. And I really regret that we get into the kind of discussion that can only have one effect: drive China to

be less cooperative, more inclined to devalue, but hopefully not less inclined to care about their southern border or what North Korea is doing over their northeastern border. But these are problems of life and death for millions and millions of people. I feel so strongly and I so strongly urge this body that this is not the time for divisiveness. This is not the time for partisanship. This is not the time for some to make hay when the President of the United States is going to Asia to meet with the largest exploding country on Earth to try to chart a relationship that can come to grips with the nuclear facts I have just spelled out.

Facts. Facts of life. Facts like, if there is one single miscalculation, like a Muslim terrorist event, another train bombing, a premature launching of a nuclear missile, it could result in the loss of tens of millions of lives all across the Asian continent. This is what our leaders should be discussing—how to develop a strategic partnership, how to force India and Pakistan to the table, how to set up the kind of commitments that are necessary to forge a consensus on Kashmir; how to solve India border problems with China; how to open markets so that the trade imbalance does not continue; how to maintain intellectual property rights in China; how to have China bring in a retail consumer market from the United States, which they have been reluctant to do; how to build on the rule of law.

You know, people in this body are great critics—particularly people who have never been to China, don't know China, have never read a history book on China, don't understand that for 5,000 years China was dominated by one man, generally an emperor who, at a whim, at the snap of his fingers, could put millions of people to death if he so chose; and then the revolutionary war heroes, none of whom had any education; and now by its first group of really educated leadership in the 5,000-year history of that country. I have heard the President of China say directly that, ''We will transition from a rule of man to a rule of law, but it cannot happen overnight.''

Mr. President, if not the first American mayor, I was certainly one of the first American mayors to visit China in June of 1979, just when that country was coming out of the Cultural Revolution. I have often said that what I saw there was very sobering indeed, because one understands the body language of fear. The body language of fear was prevalent all throughout every city in China that I visited. I have visited China, and I try to go every year; the last time was in September. The changes I have seen are astonishing. Now, remember, this is still a Communist government. There is no prototype on Earth for the kind of change that this Chinese Government is now going through.

I truly believe, as they now try what they call the ''socialist experience,'' which we call a market economy, and as they engage with the West, and as our military leaders are able to engage them—I will never forget when JOHN GLENN and Sam Nunn and I met with the Minister of Defense, and at the end of the conversation I said, ''Do you have anything else on your mind?'' He said, ''Yes.'' He said, ''One of the things that I am concerned about is that we have incidents of American fighter planes overflying Chinese borders.'' I said, ''Well, has anything been done about this?'' He said, ''No.'' So I went out and called Bill Perry on the phone, who was then Secretary of State, and that was taken care of.

It has to be known by this body that, up to just less than a month ago, there was no red telephone between our two leaders. As a matter of fact, the first time our two leaders spoke on that red telephone was following the Indian nuclear explosion, where our President called the President of China on that red telephone and said, ''Look, this has happened. Will you help?'' That is when Jiang Zemin said, ''We are of the same mind on this.''

Now, don't we want this kind of dialog to take place? Sure, we want to make the Chinese know that forced abortion is repugnant to a civilized society, repugnant to our values, and it is brutal and unfair. Sure, we want them to initiate talks with the Dalai Lama, go to the rule of law, provide due process of law for every citizen in China. That is the guarantee for positive human rights—due process of law. Nobody can be arrested in the middle of the night and hauled to jail and kept there. The first change has already been made. The Chinese have changed administrative detention, which is the summary placement of somebody in custody, and limited it to 30 days. We all know the judiciary of China is under the control of the political party. This needs discussion. The judiciary of China must be independent, it must be paid, it must be forbidden to take money on the side. There must be a new criminal code, a new civil code, based on a new China, a China that is reaching out and interacting with the Western World, such as China never has before.

The history of China must be understood in this. It must be known that after the Boxer Rebellion, in the incident where China lost Hong Kong in the opium wars, China was so humiliated by the West that China turned into itself and never wanted any intercourse with the West. Now we see China changing.

How China changes is the President's quest. Does China go back into itself, reinforce its totalitarian nature, or does China open further interaction with the West; have an economic democracy that one day by the Taiwan model a social democracy must emerge?

This, I say to you, Mr. President, is the fitting goal for the President of the United States, because that will change life as we know it on the planet.

I thank the Chair. I yield the floor.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from South Carolina.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Unless there is objection, the motion to table the previous division is set aside temporarily, and the Senator from South Carolina is recognized.

Mr. ASHCROFT. Reserving the right to object, may I inquire as to when it will be anticipated that the vote will be on the tabling motion?

The PRESIDING OFFICER. And the vote will take place at 12:30, but no later than that.

Mr. ASHCROFT. With the understanding that the vote will take place, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that the pending amendments be set aside solely for the purpose of adopting a series of amendments which have been agreed to by both sides.

I further ask unanimous consent that upon the disposition of this series of cleared amendments, that the motion to table, once again, would become the pending business, and that the vote on the motion to table occur no later than 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2942

(Purpose: To clarify the responsibility for submission of information on prices previously charged for property or services offered)

Mr. THURMOND. Mr. President, on behalf of Senator WARNER, I offer an amendment which would amend section 2306(a) of Title X, U.S. Code, and Section 304(a), the Federal Property and Administrative Services Act of 1949 to clarify requirements for appropriate classified information by contractors to Federal agencies.

Mr. President, I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for Mr. WARNER, proposes an amendment numbered 2942.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. CLARIFICATION OF RESPONSIBILITY FOR SUBMISSION OF INFORMATION ON PRICES PREVIOUSLY CHARGED FOR PROPERTY OR SERVICES OFFERED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2306a(d)(1) of title 10, United States Code is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 304A(d)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)(1)), is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(c) CRITERIA FOR CERTAIN DETERMINATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to include criteria for contracting officers to apply for determining the specific price information that an offeror should be required to submit under section 2306(d) of title 10, United States Code, or section 304A(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)).

Mr. WARNER. Mr. President, I rise today to offer an amendment which is designed to help find a solution to the recurring problem of the Pentagon paying exorbitant prices for spare parts that are readily available in the commercial marketplace.

In March, we were subjected once again to troubling press accounts of excessive prices being charged the Pentagon for spare parts—in one case the Pentagon's Inspector General found that the Pentagon was charged 280 percent more for commercially available items than in the previous few years. While it is true that such instances of overcharging are now the exception to the rule, we must do everything we can to ensure that our limited defense resources are used wisely. This is essential if we are to maintain public support for, and confidence in, our military establishment.

I commend Senator SANTORUM for the package of legislative reforms he has included in the bill before the Senate. The ''Defense Commercial Pricing Management Improvement Act'' will go a long way toward setting the Pentagon on a path to correcting the problems identified in the recent DoD Inspector General reports concerning the Department's errors with respect to these overpricing cases.

My amendment will build on the legislation in the bill, but will focus on the responsibility of the contractor for providing adequate cost and pricing data to the government. Under current law, in the case of sole-source contracts for commercially available items, the government contracting officer ''shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract.'' Although it was the intent of Congress that the contractor should supply such data as might be requested, that was not explicitly stated in the law and has not always been the practice. In the Sundstrand case reviewed this past February by the DoD Inspector General, the Inspector General found that ''Sundstrand * * * refused to provide DLA contracting officers with 'uncertified' cost or pricing data for commercial catalog items.'' Unfortunately, this is not an isolated incident.

My amendment would clarify existing law to clearly reflect the original intent of Congress by putting a positive requirement on the contractor to provide cost and pricing data if such data is requested by the government contracting officer. If—as in the Sundstrand case—the contractor refuses to provide this information to the government, the contractor would be disqualified from the contract.

If a government contracting officer is to accurately assess the reasonableness of a contract price for a sole-source commercial item, he or she must have access to information on prices previously charged both the government and commercial sector for such item. We must not allow contractors to refuse to provide such information to the government. My amendment will close a loophole in existing law by requiring the submission of such cost and pricing data as the government contracting officer determines is necessary.

I urge my colleagues to support the amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared by this side.

Mr. THURMOND. I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment.

Mr. WARNER. Mr. President, I wish to thank the distinguished chairman and ranking member. It is just an effort by one Senator to see what we can do to further eliminate the ever-present problems associated with the $250 hammer, the $50 screw, and things of this nature, which by virtue of the enormity of the system of procurement, will happen. But this is an effort to see whether or not we can further curtail the number of incidents.

I thank the Chair. I thank the manager.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 2942) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

AMENDMENT NO. 2943

(Purpose: To recognize and honor former South Vietnamese commandos)

Mr. LEVIN. Mr. President, on behalf of Senators KERRY of Massachusetts, MCCAIN, and SMITH of New Hampshire, I offer an amendment that would commend the Vietnamese commandos for their service to the United States during the Vietnam war.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. KERRY, Mr. MCCAIN, and Mr. SMITH of New Hampshire, proposes an amendment numbered legislative 2943.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF FORMER SOUTH VIETNAMESE COMMANDOS IN CONNECTION WITH UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.

(a) FINDINGS.—Congress makes the following findings:

(1) South Vietnamese commandos were recruited by the United States as part of OPLAN 34A or its predecessor or OPLAN 35 from 1961 to 1970.

(2) The commandos conducted covert operations in North Vietnam during the Vietnam conflict.

(3) Many of the commandos were captured and imprisoned by North Vietnamese forces, some for as long as 20 years.

(4) The commandos served and fought proudly during the Vietnam conflict.

(5) Many of the commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict.

(6) Many of the Vietnamese commandos now reside in the United States.

(b) SENSE OF CONGRESS.—Congress recognizes and honors the former South Vietnamese commandos for their heroism, sacrifice, and service in connection with United States armed forces during the Vietnam conflict.

Mr. KERRY. Mr. President, two years ago Senator MCCAIN and I offered legislation, enacted as part of the FY 97 Defense authorization bill, to reimburse some 500 Vietnamese commandos who were funded and trained by the United States and infiltrated behind enemy lines to perform covert operations during the Vietnam War. Many of them were captured and incarcerated by the Democratic Republic of Vietnam for years and ultimately removed from the payroll by the U.S. government. Our legislation authorized $20 million for reimbursement of the commandos for their years of imprisonment in North Vietnamese prisons and mandated that a lump sum be provided to each claimant determined eligible by the Secretary of Defense.

Pursuant to this legislation a commission has been established in the Defense Department and is now in the

process of reviewing claims. Today I am offering three amendments, with Senators MCCAIN and SMITH (of New Hampshire) related to the commando issue.

The first amendment, number 2943, is identical to language in the House-passed Defense authorization bill for this year. This amendment recognizes and honors the commandos for their heroism, sacrifice, and service to the United States during the war.

The second amendment, number 2944, is largely technical and is designed to assist the commission by clarifying the intent of the original legislation with respect to the payment process.

The third amendment, number 2945, rectifies an oversight in the original legislation. Under current law, a commando can bring a claim, or if the commando is deceased, his spouse or children may bring a claim. Through an oversight we failed to consider the possibility that a commando may never have married. The amendment that I am offering resolves this problem by stipulating that the parents, or if they are deceased, the siblings of an unmarried commando may bring a claim. Since the $20 million originally authorized and appropriated for payment of these claims was based on the entire known universe of commandos, no additional funding will be needed to implement this amendment. Nor will this amendment put an additional undue burden on the commission. Our original intention in authoring the commando legislation was to make restitution to all the commandos who served us so faithfully, even when we walked away from them. This amendment ensures that we do that.

Mr. President, these amendments are straightforward and noncontroversial. They are good amendments and I urge their adoption.

Mr. MCCAIN. Mr. President, I rise today in support of an amendment sponsored by myself, Senator KERRY, and Senator SMITH of New Hampshire to express the sense of Congress regarding the heroism, sacrifice, and service of former South Vietnamese Commandos who fought with the United States during the Vietnam war.

From 1961 to 1970, South Vietnamese soldiers were trained and recruited by the Central Intelligence Agency and the Department of Defense to fight behind enemy lines on behalf of the United States. Although the majority of these individuals were captured alive and taken prisoner by North Vietnam, the U.S. government declared them dead in order to avoid paying them for their services.

Senator KERRY and I sponsored legislation contained in the Fiscal year 1997 Defense Authorization bill authorizing payment of up to $30,000 to each Commando determined eligible by the Secretary of Defense.

Our amendment to the FY 1999 Defense Authorization bill makes the following findings:

South Vietnamese Commandos were recruited by the United States for covert operations under OPLAN 34A or its predecessor, OPLAN 35, from 1961 to 1970;

The Commandos conducted covert operations in North Vietnam during the Vietnam conflict;

Many of the Commandos were captured and imprisoned by North Vietnamese forces for periods of up to 20 years;

The Commandos served and fought proudly during the Vietnam conflict;

Many of the Commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict;

Many of the Vietnamese Commandos now reside in the United Stats.

Consequently, our amendment recognizes and honors the former South Vietnamese Commandos for their service to the United States. We are in debt to these individuals for fighting valiantly on our side during the Vietnam war. They deserve our continued support and gratitude. I urge my colleagues to support this amendment.

Mr. THURMOND. Mr. President, we have no objection.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 2943) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2944

(Purpose: To provide for payments to certain survivors of captured and interned Vietnamese operatives who were unmarried and childless at death)

Mr. THURMOND. On behalf Senators KERRY, MCCAIN and SMITH of New Hampshire, I offer an amendment that would enhance the eligibility for payments to certain survivors of captured and interned Vietnamese commandos who were unmarried and childless at death.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KERRY, Mr. MCCAIN and Mr. SMITH of New Hampshire, proposes an amendment numbered 2944.

The amendment is as follows:

On page 127, between lines 12 and 13, insert the following:

SEC. 634. ELIGIBILITY FOR PAYMENTS OF CERTAIN SURVIVORS OF CAPTURED AND INTERNED VIETNAMESE OPERATIVES WHO WERE UNMARRIED AND CHILDLESS AT DEATH.

Section 657(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by adding at the end the following:

''(3) In the case of a decedent who had not been married at the time of death—

''(A) to the surviving parents; or

''(B) if there are no surviving parents, to the surviving siblings by blood of the decedent, in equal shares.''.

Mr. MCCAIN. Mr. President, I join Senator KERRY and Senator SMITH of New Hampshire in offering this amendment to the Fiscal Year 1999 Defense Authorization bill to allow payment of funds to the surviving parents or siblings of deceased Vietnamese Commandos.

From 1961 to 1970, South Vietnamese soldiers were trained and recruited by the Central Intelligence Agency and the Department of Defense to undertake covert operations behind enemy lines on behalf of the United States. Although the majority of these individuals were captured alive and taken prisoner by North Vietnam, the U.S. government declared them dead in order to avoid paying them for their services.

In 1996, Congress passed legislation I sponsored with Senator KERRY authorizing payment of up to $40,000 to each Commando determined eligible by the Secretary of Defense. In the case of a deceased Commando, payment was authorized to be made to the surviving spouse or, if there was no surviving spouse, to the surviving children of the decedent.

Unfortunately, we did not anticipate the case of deceased Commandos who died unmarried and thus left no spouse or children to claim payment. Our amendment to the FY 1999 Defense Authorization bill would expand eligibility for payments to include the surviving parents or, if there are no surviving parents, to the surviving siblings by blood of the deceased Commando.

Because Congress has already authorized and appropriated funds for payment to each Commando, this amendment has no cost. However, it serves the cause of fairness by entitling relatives of unmarried, deceased Commandos to the payments authorized for those Commandos' service to this country.

Although we did not intend to discriminate against unmarried childless Commandos in our original legislation, our original legislation unwittingly did just that.

Our amendment rights that wrong. I encourage my colleagues to support this legislation on behalf of those Commandos who bravely served behind enemy lines on behalf of the United States.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. Is there further debate? Is there objection?

Mr. THURMOND. Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2944) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2945

(Purpose: To clarify the recipient of payments to Vietnamese operatives captured and interned by North Vietnam)

Mr. LEVIN. On behalf of Senators KERRY, MCCAIN, and SMITH of New Hampshire, I offer an amendment that would ensure that the Vietnamese commandos receive their rightful share of the funds authorized and appropriated by the Congress.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Messrs. KERRY, MCCAIN, and SMITH of New Hampshire proposes an amendment numbered 2945.

The amendment is as follows:

On page 127, between lines 12 and 13, insert the following:

SEC. 634. CLARIFICATION OF RECIPIENT OF PAYMENTS TO PERSONS CAPTURED OR INTERNED BY NORTH VIETNAM.

Section 657(f)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 194–201; 110 Stat. 2585) is amended by striking out ''The actual disbursement'' and inserting in lieu thereof ''Notwithstanding any agreement (including a power of attorney) to the contrary, the actual disbursement''.

Mr. MCCAIN. Mr. President, I join my colleagues Senator KERRY and Senator SMITH of New Hampshire in sponsoring an amendment to the Fiscal Year 1999 Defense Authorization bill to ensure that the Vietnamese Commandos receive their rightful share of the funds Congress authorized and appropriated in return for their service to this country.

From 1961 to 1970, South Vietnamese soldiers were trained and recruited by the Central Intelligence Agency and the Department of Defense to undertake covert operations behind enemy lines on behalf of the United States. Although the majority of these individuals were captured alive and taken prisoner by North Vietnam, the U.S. government declared them dead in order to avoid paying them for their services.

In 1996, Congress passed legislation I sponsored with Senator KERRY authorizing payment of up to $40,000 to each Commando deemed eligible by the Secretary of Defense. These payments were intended to be distributed directly to the Commandos, who could then use a portion of the funds to cover attorney fees and other costs associated with receiving their benefit.

Regrettably, our 1996 legislation did not fully clarify the relationship between Commandos and their attorneys for the purposes of payments, with the result that payments have been flowing to the Commandos' attorneys for disbursement to their intended recipients. Consequently, our amendment seeks to clarify that the actual disbursement of a payment under our 1996 legislation may be made only to the person eligible for the payment, notwithstanding any agreement, including a power of attorney, to the contrary.

It is my hope that this legislation will allow the Commandos to rightfully receive the full payments that are their due. I encourage my colleagues to support this amendment on behalf of those Vietnamese Commandos who sacrificed so much for this country.

The PRESIDING OFFICER. Is there further debate?

If there is no objection, the amendment is agreed to.

The amendment (No. 2945) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2946

(Purpose: To extend the authorization and authorization of appropriations for the construction of an automated 100-meter baffled multi-purpose range at the National Guard Training Site in Jefferson City, Missouri)

Mr. THURMOND. Mr. President, on behalf of Senator BOND, I offer an amendment which would extend the fiscal year 1996 authorization for the construction of an automated multipurpose range as a National Guard training site in Missouri.

Mr. President, I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. BOND, proposes an amendment numbered 2946.

The amendment is as follows:

On page 323, in the third table following line 9, insert after the item relating to Camp Shelby, Mississippi, the following new item:

Missouri	National Guard Training Site, Jefferson City.	Multi-Purpose Range.	$2,236,000

Mr. THURMOND. Mr. President, the amendment has been cleared.

Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2946) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2803

(Purpose: To state the sense of the Senate regarding declassification of classified information of the Department of Defense and the Department of Energy)

Mr. LEVIN. Mr. President, on behalf of Senator MCCAIN, I call up amendment No. 2803, which would express the sense of Senate regarding declassification of information of the Departments of Defense and Energy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 2803.

The amendment is as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. SENSE OF THE SENATE REGARDING DECLASSIFICATION OF CLASSIFIED INFORMATION OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF ENERGY.

It is the sense of the Senate that the Secretary of Defense and the Secretary of Energy should submit to Congress a request for funds in fiscal year 2000 for activities relating to the declassification of information under the jurisdiction of such Secretaries in order to fulfill the obligations and commitments of such Secretaries under Executive Order No. 12958 and the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq,) and to the stakeholders.

Mr. THURMOND. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2803) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2921

Mr. THURMOND. Mr. President, on behalf of Senator KYL, I call up amendment No. 2921, which would require a visual examination of all documents released by the National Archives to ensure that such documents do not contain restricted data or formerly restricted data.

Mr. President, I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KYL, proposes an amendment numbered 2921.

The amendment is as follows:

Section 3155 of National Defense Authorization Act for Fiscal Year 1996 (P.L. 104–106) is amended by inserting the following:

''(c) Agencies, including the National Archives and Records Administration, shall conduct a visual inspection of all permanent records of historical value which are 25 years old of older prior to declassification to ascertain that they contain no pages with Restricted Data or Formerly Restricted Data (FRD) markings (as defined by the Atomic Energy Act of 1954, as amended). Record collection in which marked RD or FRD is found shall be set aside pending the completion of a review by the Department of Energy.''

Mr. LEVIN. The amendment has been cleared, Mr. President.

Mr. THURMOND. Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2921) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2947

(Purpose: To highlight the dangers posed by Russia's massive tactical nuclear stockpile, urge the President to call on Russia to proceed expeditiously with promised reductions, and to require a report)

Mr. LEVIN. Mr. President, on behalf of Senators CONRAD, KEMPTHORNE, KENNEDY, BINGAMAN, and myself, I offer an amendment which would express the sense of the Senate that the Russian Federation should live up to its commitments to reduce its massive tactical nuclear stockpiles as it agreed to in 1991 and 1992. The amendment would require the Secretary of Defense to submit a report to Congress on Russia's tactical nuclear weapons stockpile.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. CONRAD, Mr. KEMPTHORNE, Mr. KENNEDY, and Mr. BINGAMAN, proposes an amendment numbered 2947.

The amendment is as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. . RUSSIAN NON-STRATEGIC NUCLEAR WEAPONS.

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that

(1) the 7,000 to 12,000 or more non-strategic (or ''tactical'') nuclear weapons estimated by the United States Strategic Command to be in the Russian arsenal may present the greatest threat of sale or theft of a nuclear warhead in the world today;

(2) as the number of deployed strategic warheads in the Russian and United States arsenals declines to just a few thousand under the START accords, Russia's vast superiority in tactical nuclear warheads—many of which have yields equivalent to strategic nuclear weapons—could become strategically destabilizing;

(3) while the United States has unilaterally reduced its inventory of tactical nuclear weapons by nearly ninety percent since the end of the Cold War, Russia is behind schedule in implementing the steep tactical nuclear arms reductions pledged by former Soviet President Gorbachev in 1991 and Russian President Yeltsin in 1992, perpetuating the dangers from Russia's tactical nuclear stockpile; and,

(4) the President of the United States should call on the Russian Federation to expedite reduction of its tactical nuclear arsenal in accordance with the promises made in 1991 and 1992.

(b) REPORT.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Congress a report on Russia's non-strategic nuclear weapons, including

(1) estimates regarding the current numbers, types, yields, viability, and locations of such warheads;

(2) an assessment of the strategic implications of the Russian Federation's non-strategic arsenal, including the potential use of such warheads in a strategic role or the use of their components in strategic nuclear systems;

(3) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads, including an analysis of Russian command and control as it concerns the use of tactical nuclear warheads; and

(4) a summary of past, current, and planned efforts to work cooperatively with the Russian Federation to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

This report shall include the views of the Director of Central Intelligence and the Commander in Chief of the United States Strategic Command.

Mr. KENNEDY. Mr. President, I share the growing concern over the continuing high levels of tactical nuclear weapons in the arsenals of both Russia and the United States.

We have made substantial progress in reducing the levels of strategic nuclear weapons which threaten world peace and security. This progress has been made through the cooperation and efforts of both our countries and I commend the Reagan, Bush and Clinton Administrations for their efforts.

We have reduced the number of strategic missiles on each side. We have inventoried and controlled dangerous nuclear materials to prevent their theft. We have improved the safety and security of strategic nuclear weapons world-wide.

But, during this time, we have left another dangerous threat untouched—the tactical nuclear weapons built and deployed for battlefield use. These dangerous weapons have received far too little attention in our arms control efforts.

Although they are smaller than strategic nuclear weapons, tactical nuclear weapons are still a massive threat. In the wrong hands, in a terrorist or military attack, these weapons are almost as dangerous as strategic weapons. The potential armed conflicts facing the world today would be far more threatening if tactical nuclear weapons become an option for any side. The effect on stability and our own security could well be catastrophic.

We must take every reasonable measure to ensure that such weapons are never used—not in any armed conflict, not in a terrorist attack, never.

The goal of the Conrad amendment is to reduce, and eventually eliminate, the world's stockpile of tactical nuclear weapons. We must inventory the number and types of these weapons currently held in stockpiles, assess them, and work together to eliminate them.

It is not too much to ask that we pursue two tracks in the effort to deal with the nuclear threat left by the legacy of the Cold War. Reducing and eliminating both strategic and tactical nuclear weapons is the right course for the United States and Russia, and the only one that will ensure our future security.

Mr. THURMOND. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2947) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2948

(Purpose: To amend title 10, United States Code, to provide for the presentation of a United States flag to members of the Armed Forces being released from active duty for retirement)

Mr. THURMOND. Mr. President, on behalf of Senator GRAMS of Minnesota, I offer an amendment that would require service secretaries to present a U.S. flag to each retiring service member. I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. GRAMS, proposes an amendment numbered 2948.

The amendment is as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. PRESENTATION OF UNITED STATES FLAG TO MEMBERS OF THE ARMED FORCES.

(a) ARMY.—(1) Chapter 353 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 3681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Army shall present a United States flag to a member of any component of the Army upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 6141 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 3684 the following:

''3681. Presentation of flag upon retirement at end of active duty service.''.

(b) NAVY AND MARINE CORPS.—(1) Chapter 561 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 6141. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Navy shall present a United States flag to a member of any component of the Navy or Marine Corps upon the release of the member from active duty for retirement or for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 6151 the following:

''6141. Presentation of flag upon retirement at end of active duty service.''.

(c) AIR FORCE.—(1) Chapter 853 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 8681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Air Force shall present a United States flag to a member of any component of the Air Force upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 6141 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 8684 the following:

''8681. Presentation of flag upon retirement at end of active duty service.''.

(d) REQUIREMENT FOR ADVANCE APPROPRIATIONS.—The Secretary of a military department may present flags under authority provided the Secretary in section 3681, 6141, or 8681 title 10, United States Code (as added by this section), only to the extent that funds for such presentations are appropriated for that purpose in advance.

(e) EFFECTIVE DATE.—Sections 3681, 6141, and 8681 of title 10, United States Code (as added by this section shall take effect on October 1, 1998, and shall apply with respect to releases described in those sections on or after that date.

Mr. GRAMS. Mr. President, I rise today to offer an amendment to the Defense Authorization Bill. Having just celebrated Flag Day, June 14, the symbol of our great country is vividly in mind. In close conjunction with that symbol of freedom, is our freedom guarded by those who serve in our Military Services who have been willing to give their lives for our country.

It seems fitting to show our honor and respect to those who have valiantly and fearlessly carried the banner of our flag into battle. Each one of these battle-ready patriots should carry a memento of their military service home with them—to remind them of our gratitude and their great achievement in keeping the country free. My amendment would present a U.S. flag to each active duty person who has served our country. I know that former Senator Robert Dole has supported this effort as well.

All components of the Military Services, the active duty, the National Guard and the Reserves of the Army, Air Force, Navy and Marines, who have completed honorable tours of duty will be eligible for this gift from a grateful nation.

It seems appropriate that an American flag be presented to those honorably discharged while they are still with us, not just to spread over their caskets as they depart this world. This living symbol will do much to re-invigorate and re-dedicated the whole nation to our reason for being—freedom and liberty for all.

The PRESIDING OFFICER. Is there further discussion?

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2948) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2949

(Purpose: To require a report on options for the reduction of infrastructure costs at Brooks Air Force Base, Texas)

Mr. THURMOND. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment which would require a report on the options for the reduction of infrastructure costs at Brooks Air Force Base, Texas.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared, Mr. President.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mrs. HUTCHISON, proposes an amendment numbered 2949.

The amendment is as follows:

On page 222, below line 21, add the following:

SEC. 1031. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.

(a) REQUIREMENT.—Not later than December 31, 1998, the Secretary of the Air Force shall, in consultation with the Secretary of Defense, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) ELEMENTS.—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would accrue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

The PRESIDING OFFICER. Is there further debate?

Mr. THURMOND. Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2949) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2950

Mr. LEVIN. Mr. President, on behalf of Senator INOUYE, I offer an amendment which would require the Secretary of Defense to submit a report regarding the potential for development of Ford Island, Pearl Harbor, Hawaii.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. INOUYE, proposes an amendment numbered 2950.

The amendment is as follows:

SEC. 2833. Not later than December 1, 1988, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2950) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MTMC'S REENGINEERING PROGRAM

Mr. TORRICELLI. Mr. President, I rise today regarding an issue that is of great concern to myself and the military families in my state. I am referring to the Military Traffic Management Command's (MTMC) proposed re-

engineering of the personal property program. The MTMC is responsible for moving service member's household goods when they receive Permanent Change of Station orders, and the current system for doing so has often been criticized for not providing the same quality service that is available in the private sector.

The current system is a $1.1 billion a year industry that is awarded without competition and contains no provisions for the government to enforce quality standards. The status quo has produced a dismal 23% customer satisfaction rate, which is understandable when we consider that one in four military moves results in a claim for missing or broken household goods. To make the situation worse, it takes about 8 months to settle 80% of these claims with the service member, at a cost of $100 million to the government.

For over three years, the Department of Defense has been trying to bring elements of competition and corporate practice into the military program. MTMC's plans will permit full and open competition from all types of companies which provide corporate moving services, and will hold its contractors to standards of performance. It will streamline the personal property program, and introduce accountability to the program through the use of the Federal Acquisition Regulation. The re-engineered program will also make full replacement insurance value available to service families for the first time, and will guarantee that a minimum of 41% of the total contract will be performed by small businesses. The GAO has reviewed this proposal and found it to be superior to the current program.

However, I am concerned that an alternative to the MTMC's re-engineering program, referred to as the Commercial-Like Activities of Superior Service (CLASS), has been included in the House FY99 Defense Authorization bill. This alternative, which is opposed by the Department of Defense, the Military Coalition, the Business Executives for National Security and the Military Mobility Coalition, does not improve the quality of service for our personnel, does not take advantage of current commercial practices, does not provide our military families with a streamlined claims process, and offers no protection for the interests of small business. It is estimated that the CLASS program will cost the DoD about three years and an additional $6 million to implement. I am hopeful that my colleagues in the Senate will reject the CLASS program during the conference committee negotiations, and allow the DoD to move forward with its pilot program.

I urge my colleagues to support MTMC's re-engineering effort and to remember that this is simply a pilot program. It will take place in three states and will encompass only 18,000 shipments out of a total of 650,000 annually, or only three percent of DoD's total annual shipments. Congress has also charged GAO to review the pilot as it is conducted and report back to Congress. If, at the end of this test, there are changes to be made, we can make them at that time.

Mr. President, our military families have waited long enough for us to improve the personal property program, and legislatively changing all of DoD's efforts for some other idea at the last minute would be extremely counterproductive. I look forward to removing this burden from our service personnel, and to working with my colleagues to ensure MTMC's re-engineering program becomes a reality.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that at the conclusion of the vote being taken on the tabling motion for Senator HUTCHISON, I have 10 minutes to address a matter as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as to the earlier vote on tabling, I initiated the tabling motion in my capacity as comanager of this bill, together with our distinguished chairman. I felt it was the proper thing to do because I attribute to this particular bill, the underlying bill, the annual Authorization Act, the highest priority. It is for the benefit of those who serve in uniform all over the world. It sends a strong message to our allies and enables this country to maintain its responsibility as the sole superpower in the world today. And that is why I am going to do everything I can, together with our distinguished chairman and others, to see that this bill does move forward.

Now that the matter has been divided, then I think I am free to vote my conscience as it relates to such votes as may be taken hereafter regarding the amendments.

I yield the floor.

VOTE ON MOTION TO TABLE DIVISION I OF AMENDMENT NO. 2737

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table division I of the amendment No. 2737. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 0, nays 96, as follows:

[Rollcall Vote No. 168 Leg.]

NAYS—96

Abraham	Feingold	Lieberman
Akaka	Feinstein	Lott
Allard	Ford	Lugar
Ashcroft	Frist	Mack
Baucus	Glenn	McCain
Biden	Gorton	McConnell
Bingaman	Graham	Mikulski
Bond	Gramm	Moseley-Braun
Boxer	Grams	Moynihan
Breaux	Grassley	Murkowski
Brownback	Gregg	Murray
Bryan	Hagel	Nickles
Bumpers	Harkin	Reed
Burns	Hatch	Reid
Byrd	Helms	Robb
Campbell	Hollings	Roberts
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Dorgan	Landrieu	Torricelli
Durbin	Lautenberg	Warner
Enzi	Leahy	Wellstone
Faircloth	Levin	Wyden

NOT VOTING—4

Bennett	Rockefeller
Domenici	Specter

The motion to lay on the table division I of the amendment (No. 2737) was rejected.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for up to 10 minutes.

Mr. LEVIN. I wonder if the Senator will yield for an inquiry.

Mr. ASHCROFT. I am happy to.

Mr. LEVIN. Mr. President, is my understanding correct that under the order, after the 10 minutes of morning business, the Senate will then stand in recess without any intervening unanimous consent requests or motions?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. I thank the Chair.

Mr. ASHCROFT. Mr. President, I have been asked to propound a unanimous consent, and I believe it has been agreed to by both sides. Prior to the Senator leaving the Chamber, I will do that.

Mr. LEVIN. Does the Senator have that to propound now?

Mr. ASHCROFT. Yes.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 2646

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of the conference report to accompany H.R. 2646, the Coverdell A+ education bill, it be considered as having been read, and there be 4 hours for debate divided in the following manner:

Two hours under the control of the minority leader, or his designee, with part of their 2 hours divided as follows: Senator KENNEDY, 15 minutes; Senator

GRAHAM, 20 minutes; Senator KERRY of Massachusetts, 10 minutes; Senator TORRICELLI, 15 minutes; Senator COVERDELL, or his designee, 2 hours.

I further ask consent that following the expiration or yielding back of time, the Senate proceed to vote on adoption of the conference report, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for up to 10 minutes.

U.S.-CHINA RELATIONS

Mr. ASHCROFT. Mr. President, I want to take a few moments to address the situation regarding the policy of the United States and the way in which we relate to the nation of China. The President of the United States is making a trip to the People's Republic of China, and there has been significant debate about this trip, which provides us an opportunity to ask ourselves what kind of policy should we have toward the world's most populous nation.

There have been a number of us who have questioned whether or not the President should go to Tiananmen Square, for example, to celebrate, in some way, his arrival with those who pulled the triggers at the square to crush dissent in 1989. There are a wide variety of pluses and minuses about the Presidential trip. I want to try to put this trip and our policy toward China into a broader perspective in terms of the way foreign policy perhaps ought to be conducted.

First of all, the President has suggested that we either have to do it his way—to support the Presidential visit, welcomed by leaders at the site of a tremendous violation of human rights—or else we have no engagement with China at all. I think this is a false choice. It is not necessary, in order to have a relationship with countries, that we automatically have to have a summit. As a matter of fact, we engage in relationships with very important countries—countries far more influential in some respects than China—and we don't have summits with them on a regular basis. This is the second summit in less than a year with the nation of China.

So the first thing I would like to say is that it is not necessarily essential, in order to pursue a productive policy for a long-term constructive relationship with China, that you have a summit. As a matter of fact, it might be counterproductive. It might impair the development of the kind of healthy, long-term relationship we need if we send the President unduly, or prematurely, to negotiate with or otherwise concede to individuals whose conduct doesn't merit the President's dignifying presence—whose participation in world events is not of a quality that should be legitimized by a visit from the President of the United States.

There has been a false dichotomy presented to the American people, and it has been the choice between either supporting the President's trip to China or being labeled isolationists. That is simply an inappropriate framework to force upon the American people. Most Americans understand that our objectives ought not to be involvement or isolation per se, but that the United States—the greatest Nation of the world—would relate constructively with the People's Republic of China on the basis of sound policy that leads to a constructive and mature relationship.

I believe that we have to have a policy toward China. While I question what the policies the President is pursuing, my reservations in no way suggest that I don't seek good relations with China. As a matter of fact, I think the road to good relations would be paved with better policy and fewer summits.

Allow me to explain. Whether we are talking about the relationships between individuals, or businesses, or institutions, or countries, there are principles that undergird and provide the foundation for good relations. Integrity is one. Relationships have to be based on integrity. People have to be able to trust one another. They have to know that when one says something, it can be trusted. Another component of a good relationship is responsibility. Individuals have to act responsibly. They can't threaten or otherwise endanger the other party if there are going to be sound relationships. Third, there has to be accountability. If we want long-term relationships, if we want a productive relationship, if we want something that can be relied upon and built upon, we have to have the foundation of integrity, responsibility, and accountability.

I suggest that our relationship with China is no different, an must include these kinds of building blocks. We have to have a relationship of integrity, responsibility, and accountability with China. If we don't have it, the future of U.S.-China relations is not bright.

I have some real problems with the way the Chinese have dealt with us. It is a way that does not reflect integrity. It does not reflect responsibility. It does not reflect accountability.

Take, for example, integrity. China last year, after almost 20 years of assuring the world that it doesn't proliferate weapons of mass destruction, was labeled by our own CIA as the world's worst proliferater of weapons of mass destruction. In spite of that, the President said, ''We will invite them over for a summit.'' And the Chinese were invited to the United States in October. As a matter of fact, there were nonproliferation assurances at that summit similar to the assurances that have been made over the past two decades. China pledged that it did not proliferate weapons of mass destruction. We don't involve ourselves in that.

Frankly, just a few short months later, our intelligence resources intercepted negotiations between China and Iran for China to provide anhydrous hydrogen fluoride, a material used to upgrade industrial-strength uranium to weapons-grade uranium. The material was destined for Isfahan, one of Iran's principal sites for manufacturing the explosive core of an atomic device.

It is pretty clear that the absence of integrity in the conduct of the Chinese is dramatic. It is an absence of integrity prior to the last summit, and it is an absence of integrity that followed on the heels of that summit. They will tell you one thing, and they do something else. That is not the basis of integrity that provides the foundation for a sound relationship.

Responsibility is the second key ingredient. I think most Americans were shocked—I was shocked; I was stunned—when it was revealed by our own intelligence sources that the nation of China had as many as 13 intercontinental ballistic missiles targeted on American cities, armed with massive nuclear warheads, termed ''city busters.'' Every city in the United States of America north of southern Florida is within range of these missiles, and they are targeted on the United States of America.

I don't think that is the foundation for summitry. I don't think that is the foundation for a good relationship. We never appeased the Soviet Union while it was targeting nuclear warheads on American cities. Ronald Reagan had a sense of principle. He had a sense of determination that you don't stand as a target, while at the same time offering privileges to your adversary. That is not the kind of policy America has pursued in the past. A policy which sells out America's long-term security interests might facilitate a particular sale, it might obtain a particular favor, but it is not in the long-term best interests of the United States to stand as a target offering concessions to a country pointing nuclear weapons at our cities.

I think it is, of all things, terribly irresponsible of the Chinese to have 13 American cities targeted with their ''city buster'' nuclear weapons on intercontinental ballistic missiles capable of reaching virtually every city in the United States.

The third important element is accountability. Where do the Chinese stand on accountability? The trade barriers that China has toward the United States are incredible. In recent years, China's tariff levels have been about six times as high on our goods as our tariffs are on Chinese products. Not only that, China imposes nontariff barriers that make it impossible for our companies to penetrate the Chinese market. China treats American companies differently, so that U.S. firms don't have the protection of law in Chinese courts commensurate with the protection the United States extends to foreign investors in our market.

The absence of integrity, the absence of responsibility, the absence of accountability—the absence of these cornerstones of what ought to be U.S. policy means that the house of cards being constructed in summitry with China is in danger of collapse. I think if we are really interested in China policy over the long term, we ought to build the U.S.-China relationship on a foundation that demands integrity, responsibility, and accountability.

When the President's presence implicitly accepts atrocities in China, and when the Administration continues to pursue a bankrupt policy of engaging the Chinese at any cost, the interests of the American people are not served and the United States is not served at its highest and best. It is no wonder that individuals on both sides of the aisle have protested this trip. It is no wonder that this is not a partisan issue. Sure, there may be more Republicans who are willing to stand and talk about this now. But in our news conferences together, we have brought these concerns to the President, saying, you are making a mistake with the kind of things that you are intending with this summit.

The President will likely try to come home with some transaction, or some deal, to say that it was an achievement of the summit. But let us not forget that the real purpose of summits ought to be the development of sound structural relations, the kind of underpinning and foundation that will result in the potential for long-term, beneficial, constructive relationships between countries. As long as we ignore the absence of integrity, we ignore the absence of responsibility, we ignore the absence of accountability, it seems to me that we are not building the kind of relationship based on mutual respect.

I would say this: As a minimum, this summit must end with the President returning to the United States with an assurance that United States cities are not targeted by Chinese ICBMs—with some kind of verification to ensure China's detargeting of American cities is genuine.

The Chinese know that they have not acted with the requisite integrity. They know that they have not acted with the requisite responsibility. I think they understand that they have not acted with the kind of appropriate accountability that would provide the basis for the right foundation for a sound U.S.-China relationship. China, in some ways, may not expect to get the kind of relationship that mature nations dealing with one another on the basis of these values would have.

Maybe that is why the Chinese have attempted to influence elections in America with donations to buy the kind of respect they have not earned with good will.

Of all the things I would expect us to demand at the upcoming summit, one is that illegal contributions from subsidiaries of the Chinese Army not come to contaminate the political process in the United States of America.

I want to say with clarity that an important challenge for the United States is to develop sound long-term relationships with important nations around the world. We cannot develop those relationships, however, without the fundamentals of integrity, responsibility, and accountability.

We have in China today a regime whose brutal repression at home betrays its intentions abroad. America should be sounding liberty's bell, not toasting the tyrants who sent tanks to Tiananmen Square and pulled the triggers there.

I believe we need to find a way to make sure that integrity, responsibility, and accountability are the fundamental components upon which our China policy rests. To legitimize Chinese conduct absent those values, those principles, is likely to result in a long-term U.S.-China relationship with more risk than reward, with more difficulty than cooperation.

Mr. President, I thank you for this opportunity. I thank you for the time you have spent in the Chair.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:18 p.m., recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The distinguished majority leader is recognized.

VITIATION OF CLOTURE VOTE

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled for 2:15 today be vitiated, and the order with respect to the Hatch-Feinstein special order now commence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, this Senator asks unanimous consent to be permitted to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator is recognized to speak as in morning business.

Mr. ROCKEFELLER. I thank the Presiding Officer very much.

RIGHTS FOR AMERICA'S DISABLED VETERANS

Mr. ROCKEFELLER. Mr. President, I rise today to speak about veterans' rights being bartered away. And I hope that my colleagues both here on the floor and in the various parts of the Capitol will listen to what I have to say, because it may be the last time this can be said.

These rights for veterans are being bartered away in back room deals; they are being done without full Senate consideration; they are being done without amendments; they are being done without the public's knowledge; they are being done in a way which is, to me, shocking. I am referring to the denial of veterans' disability rights that was enacted as part of TEA 21 and the process which is now going on with regard to the technical corrections bill, which is needed to amend drafting errors that were made to TEA 21.

Mr. President, I have been in the Senate now for 13 years. I have been very honored to serve on the Veterans' Affairs Committee. It is part of my Senate service that has truly made me proud. I am proud to be helping real people with genuine human needs. Coming from a great State like West Virginia, which, like the Presiding Officer's State, places great honor on military service, and in serving on the Veterans' Affairs Committee, both of these things have allowed me the opportunity to learn a lot about the sacrifices that millions of our brothers and sisters have made to preserve the freedoms that we too often take for granted. They have earned our respect in ways that many of us will never know, God willing.

I am proud to serve veterans, and I hope to continue to serve them however I can. But I am not so proud of the way this Congress—this Senate—is treating disabled veterans this year, and I wish to talk about it. I am, in fact, ashamed for all of us in the Senate. It is not a pretty story. It makes me very angry, and it makes me very sad. America's veterans—indeed, all Americans—are being subjected to an unprecedented money grab, a shell game, conducted behind closed doors, as part of the highway reauthorization process.

Mr. President, veterans have earned better treatment than they are getting. They have earned more from their Government than a process that denies them their rights without any accountability—They have earned more than a process that is out of control. I repeat, this is a process in which all of the American people are being harmed by what is being done to veterans behind closed doors.

My colleagues all need to know the truth of this. Why is it that we are now willing to look the other way when a conference report grossly exceeds the scope of the underlying original legislation? As my colleagues know, I have been fighting for many months to correct the injustice that we do this year

to veterans. It is my duty, Mr. President; it is my right to do so as a single U.S. Senator; and it is my obligation.

Mr. President, we bestow upon the Republican leader the power to control the matters that are brought before this body. If the Democrats control, then the Democratic leader does it. If the Republicans control, the Republican leader has that authority. It is awesome authority. It is an awesome responsibility. But the leader has failed veterans this year.

Why does the Republican leader continue to use his power to deny full Senate consideration of H.R. 3978, the highway corrections bill? What is he afraid of? Why has the leadership turned a deaf ear to America's veterans who have been calling and writing to all of us to petition to have this bill brought to the floor? Why is it that the Republican leader will not give us the opportunity to offer an amendment to H.R. 3978 which would restore veterans' disability rights that were cut off to pay for unprecedented increases in highway funding?

Instead of bringing this bill to the floor for debate and for a single amendment—30 minutes; that is all I ask for, 30 minutes equally divided—the majority leader has simply said that he will find another way to pass this bill—quietly, covertly, out of the light of day and out of the sight of veterans. It is not a pretty sight. That other way, we are now told, will probably be the Internal Revenue Service restructuring conference report that is slated to come to the floor soon.

Now, as all of my colleagues know, when a conference report comes, it is unamendable. So it is a winning tactic. You want to get something passed, you put it into a conference report—and nobody knows about it; and nobody even knows where the conference committee is getting its directions—you put it in, then you bring it to the floor. Nobody can amend it, because it is called a conference report. It is sacred on this floor. It is unamendable, evading the usual process that would have allowed this issue to be fully aired and debated in the Veterans' Affairs Committee, the authorizing committee which has jurisdiction over veterans' compensation matters.

The highway bill conferees this spring took away a benefit that had been granted to disabled veterans under existing law—there is no new program here, it is under existing law. The conferees took something away from disabled American veterans—found disabled because of their inservice smoking addiction, having passed through a terrific series of tests which eliminate virtually all of them.

Now, once again sidestepping the regular process, the Internal Revenue Service restructuring conferees will fail to restore the benefits cut in the highway bill. It will be done at the direction of the Republican leader. And I know something whereof I speak, because I have talked with some of the conferees. That is why I am here to share my sense of outrage with my colleagues.

This is a critical issue of justice and fairness to people who are addicted because of the efforts of the U.S. Government in part, and in some cases in full. And every moment that we wait to correct this injustice, veterans and their families are irreparably harmed.

Right now, the Department of Veterans Affairs is holding veterans' smoking-related disability claims in abeyance, just holding them until this corrections bill is passed. And when I say this ''corrections bill,'' I am talking about a corrections bill we will probably never see, we will never have a chance to debate; there will be no 30 minutes equally divided; there will be no up-or-down vote so Americans will know where people in the Senate stand on this matter—because it is being done in quiet.

All of this means that the VA is not deciding any of these claims.

Some were filed over 5 years ago and those folks have already been waiting all of this time for decisions. Their lives are on hold. Some claimants will have died. In fact, I suspect a lot of them will have died waiting for a decision. Some of their widows will have lost their homes since they did not have a VA check to make ends meet because the veterans' disability compensation has been cut off in secret. Every day that we wait, another veteran or a widow is irreparably harmed. We can't go back, but we can help those who are still waiting.

Let's review the history of what happened here. I understand the Senate wishes to do other things. That is of no concern to me at this moment. What I am concerned about is these people and their future. In a disingenuously conceived fiction, the Clinton administration and the Budget Committee this year created some imaginary ''savings.'' It was a lovely scheme.

I had all the OMB people in my office coming to tell me about the wonderful things that they were going to do with this money and that it would be used to help pay for all the President's projects in his budget, but they were doing it at the expense of disabled American veterans who, until recently, under current law, had the right to file disability claims if they are addicted to nicotine because of the U.S. Government. So they create imaginary savings. The Clinton administration did this, first, by increasing the budget baseline by an artificially inflated, absolutely unrealistic, ridiculous estimate of the cost of disability claims of veterans suffering from smoking-related diseases, and then at the same time by proposing to change existing law to bar disabled veterans from receiving this compensation. Well done, well done. The paper savings they created were then used to fund a huge increase in the highway bill.

Now, these savings, Mr. President, you have to understand, are not real. This is a big shell game. They exist on paper only. They are based on an estimate of 500,000 veterans who would file tobacco-related claims each year. As I have said, so far a total of 8,000 have applied and only 300 claims have been granted. So you can now grasp the ridiculousness of the estimates on the part of the Clinton administration—but still, they came over and argued this. There were calls from the White House, calls from OMB, visits from the White House, visits from OMB.

Experience indicates there is no factual basis for this ridiculous estimate. The reality, as I will say again, is that only 8,000 veterans have filed such claims over the past 6 years. So you can see these numbers are totally pie in the sky, merely a self-interested guess, a self-promoting guess by OMB.

Make no mistake about this, the huge increase in highway spending is, in fact, being paid for by make-believe savings, paid for by a devious fiction which is really spending of the surplus which we all so jealously claim to be protecting. Shame on every one of us, all 100 of us. Shame on us for perpetrating the fiction and then for cutting off of the current law for disabled American veterans who are disabled due to tobacco-related illnesses.

Although based on fiction, the impact of this number shuffling is very hurtful and real. The benefit that has been granted to disabled veterans under existing law has been summarily eliminated by a sleight-of-hand action, without consideration by the authorizing committee—which has jurisdiction, I might add, over compensation issues—in a complete mockery of our budget process and of regular order in the Senate.

We have created new ways of doing things in this body in order to avoid this issue. Now this is what I have called a midnight raid on veterans' benefits. I have used these and other words in the past and I could use stronger words. To put it bluntly, America's veterans have been wronged by back-door trickery. Funding for the veterans' benefits have been cut; imaginary savings have been diverted to pay for highways; and veterans' disability rights have been placed in jeopardy.

No, it is not too late to correct this. It is not too late to correct this injustice done to disabled American veterans. The necessity of passing a technical corrections bill to the highway bill provides the opportunity to do just that. Those interested in the highway projects listed in the corrections bill are very interested in passing this bill. So believe me, we are going to pass it. It is probably going to come to the floor attached to the IRS Restructuring conference report. Or it will come attached to something else. In any case, there will be no chance for the disabled veterans, but plenty of chances for more Federal dollars for highways.

The amendment I offer would strike the veterans' disability compensation

offset from the underlying conference report on H.R. 2400. I have requested that it be put to an up-or-down vote so that America's veterans can see, in the light of day, where their elected representatives choose to stand on this issue.

Now, let me be clear what my amendment would and would not do. First and foremost, be assured my amendment strikes no highway project. These projects are already in law. My amendment would fully preserve each and every highway dollar and project that was included in the highway bill. I voted for the highway bill. I support highway funding. I come from West Virginia. Only 4 percent of the land is flat. You think that we don't need roads? Not a single project in West Virginia or any other State will be affected in any way, shape or form by this. Why? Because the projects will be funded through the appropriations process.

Second, my amendment would not trigger a sequester. That is one of the contentions of those who would deny disability benefits to veterans. It is untrue. My amendment is protected by the same budget trickery, to be honest, that covered the TEA 21 bill and that waived certain provisions of the Gramm-Rudman Act.

Third, the amendment I propose does not provide any new benefit to any veteran. It merely restores the state of the law prior to the enactment of the highway bill. The law was based on interpretation of VA's existing obligation to veterans to provide compensation for smoking-related illnesses. Veterans who file claims for smoking-related illnesses would have to meet the same legal and evidentiary requirements as claimants for any other service-connected disability. The test to establish these claims is, as I have indicated, very tough. I remind you, only 300 have passed so far.

The veteran must prove that the addiction to use tobacco began in the military service, that the addiction continued without interruption, and that the addiction resulted in an illness, and that the addiction resulted in a disability. He must prove all of that. Eight-thousand have tried and 300 have been successful. Easy test? Not quite.

It is imperative that the correction bill be brought to the floor where it can be debated and amended. If TEA 21 is permitted to stand uncorrected, an entire category of veterans' disability rights will be eliminated. Even claims of veterans who became ill with tobacco-related illnesses while on active duty will be cut off. And smokers' claims for conditions that may be associated with tobacco use, but are also presumptively service connected—please hear this—based on exposure to Agent Orange or radiation, may also be cut off. What are we doing here?

Moreover, in a provision that truly adds insult to injury, the conference report makes tobacco use in the military an act of ''willful misconduct.'' Do you know what that means, Mr. President? It means that veterans are justifiably outraged that smoking could be considered ''willful misconduct,'' equating smoking with alcohol or substance abuse. They feel betrayed by a Government that encouraged smoking during their service, and now would turn its back on the health problems that resulted.

If H.R. 3978, the corrections bill, is allowed to go forward as drafted, and unamended, veterans and their survivors will forever lose their ability to seek compensation for tobacco-related deaths or illnesses resulting from nicotine dependence that was incurred in service. These veterans will lose their ability to get VA health care. Veterans with service-connected conditions receive priority free health care. If you add it up, if service connection for compensation purposes is barred, using CBO numbers, there will be about 700,000 veterans who will very possibly be turned away from access to VA health care.

The Government's role in fostering veterans' addiction to tobacco during their military service is well known and much ''untalked'' about in current weeks. Smoking was thought to calm the nerves. I had lunch with one of my best friends the other day, and he told me that back in World War II he was given free cigarettes in C rations and K rations, and discounted cigarettes—cigarettes which didn't have any warning on them until 5 years after the FDA required that they be put on civilian packs of cigarettes. No; they were encouraged to ''take a smoke break, relax, calm yourself. Sure, this is battle and training and it is stressful, but this cigarette will help you.'' The voice of the U.S. Government was speaking.

So all of this represents a shameful abuse of the trust of our young service members. How can we now turn around and call a behavior encouraged by our Government ''willful misconduct''? How do we do that? How can we turn our back on these veterans' need for health care? Well, we are doing it by ignoring the consequences of the highway bill and by ignoring America's veterans.

There has been a lot of talk about veterans and smoking in the last few months. As you know, this Chamber adopted an amendment to direct a portion of the proceeds from the tobacco bill—if we can remember that far back—to VA health care. That action, of course, is now meaningless. Senator MCCAIN was for the amendment and so was I. The amendment was for health care, not compensation for the disability of veterans made ill by tobacco that was foisted upon them by the U.S. Government in service to their country.

So we have no tobacco bill now. Those of my colleagues who sought refuge in the tobacco legislation now are going to have to look for some other place for refuge.

Some may also point to the provisions in the highway bill that provide enhancements to some very important VA programs. It was said to me early on, ''Senator ROCKEFELLER, you have to understand that we put a lot of things in this technical corrections bill that are for veterans. You can't be against these, because that will cut those things out.'' And so they put in some enhancements to the GI bill, grants for adaptive automobile equipment, and a few other programs.

I am sorry, but veterans are not to be bought off. Veterans are unanimous in their view of this. This is $1.6 billion in benefits that veterans could have. But the price is the abolition of the right for disabled veterans to seek compensation for tobacco-related illnesses—I am sorry, Mr. President, that price is too dear. Our friends in the veterans community speak with one voice on this issue, and I agree, they cannot support the increase in benefits to one set of veterans, to be paid by the cutting of essential benefits to another class of veterans who already have those benefits under law. Veterans across this Nation reject this attempt to buy them off.

So I repeat—and I am not ordinarily this partisan, and I hope that the Presiding Officer understands that—what is the majority leader scared of on this? Why can't we have a vote on this? This is a basic, moral issue—to determine the way that the U.S. Government chooses to present itself to the American people. There is a fundamental, moral principle involved—undoing current law, under a budget fiction, started by the Clinton administration, and joined in by the majority. So the result of all of that power is that veterans are shut out, dumped, and then cut out of the law from this point forward. Why does the Leader not bring this bill to the floor so it can be debated and amended? Why does he have to move this in the dark of night? Once again, I urge the majority leader to bring this corrections bill to the floor.

I participated in a conversation at the back of this Chamber with one of the conferees on the IRS bill, describing how, oh, yes, it was probable that this technical corrections bill would be put into the IRS conference report. That sounds positive, doesn't it? No, it is highly negative. That means that when it comes to the floor, it cannot be amended or debated. It can only be voted up or down, and the veterans lose on all fronts from that action.

My colleagues need to understand that there is a huge problem with the majority leader's tactic. American veterans will not be fooled by what he and others do here. American veterans are not stupid, and they are angry. They will see through this charade, but most of the Members of the Senate do not see through this charade—the charade of how the funding process began and how the highway money comes out of the surplus and the phony savings. I bet there wouldn't be 12 Senators on this floor, who would understand exactly what happened, how absurd the

whole thing is, how embarrassing the whole thing is, and how wrong it is for veterans to not even be given a chance.

America's veterans are justifiably losing their faith in Government. This will accelerate that process for American veterans. They no longer believe that the Government that they fought to preserve intends to meet its obligation to them. I share their fear.

What is obscene about all of this is that this denial of disabled veterans' benefits occurred just before Memorial Day, when everybody on this floor and in the other body was pouring out words of patriotism, appreciation, love, respect, reverence to veterans for all they have done for their country. But in the Halls of Congress, actions often belie these words. If we do not take care of America's veterans now, one might say, who will take care of us in the future? To secure the soldiers we will need in the future, we must maintain the promises made to those who protected us in the past.

Thirty minutes equally divided up or down, Mr. President, I submit is a fair request on behalf of disabled American veterans.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized to speak for up to 20 minutes as in morning business.

The Senator from Utah.

Mr. HATCH. I thank my colleagues.

Mr. President, it is my understanding that the Senator from Utah has 20 minutes and the Senator from California has 20 minutes.

The PRESIDING OFFICER. The Senator is correct. He will be followed by the Senator from California, who has 20 minutes.

Mr. BREAUX. If the Senator will yield, may I have a few minutes from either Senator?

Mr. HATCH. We will be happy to do so.

TOBACCO LEGISLATION

Mr. HATCH. Mr. President, I rise to announce that—contrary to press reports that tobacco legislation is dead—in fact, a strong, bipartisan effort to enact meaningful tobacco legislation is very much alive and well in the Senate today.

Last week's action by the Senate on the Commerce Committee tobacco bill should not be viewed as a failure by this Senate to pass tough tobacco legislation.

Nor should it be viewed as a victory by tobacco companies and tobacco lobbyists to kill tobacco legislation and deny the public health benefits from a strong bill.

To be fair, there were many criticisms of the Commerce bill. It suffered from a myriad of legal problems, including several unconstitutional provisions. Its costs were very high, perhaps as high as $800 billion. It could have provided enhanced opportunities for black market sales, with accompanying crime and violence.

And, a bad bill was made worse on the floor with adoption of several, additional competing spending priorities which—however well-intentioned—diverted from the primary focus of the bill [e.g. child care, illegal drug abuse, tax cuts.]

In my opinion, the four weeks that the Senate spent on the tobacco bill were a critical and useful exercise in educating ourselves—and the American public—on the numerous complexities of the tobacco issue. By and large, we now have a better understanding of this issue and what Congress should do to develop a good bill.

Accordingly, Senator FEINSTEIN, Senator BREAUX and I have come to the floor today to announce our bipartisan effort to work toward a strong tobacco bill that, we believe, will be acceptable to the vast majority of our colleagues.

There are eight cosponsors on our side and three cosponsors thus far on the Democrat side. And it is bipartisan.

We must not lose sight of the fact that we have a very real opportunity, a compelling opportunity to act on tobacco this year.

We believe the best framework for legislation clearly remains in the provisions of the June 20, 1997 global tobacco settlement that was agreed to by 40 State Attorneys General and the tobacco industry.

This document should serve as the blueprint on which the Senate should act. It should be clean of extraneous provisions and programs and targeted to the overwhelming need to educate our nation's youth on the hazards of tobacco use.

I call upon my colleagues—both Republicans and Democrats—to join us in this bipartisan effort to protect the lives of American youth.

I call upon the President to work with us in a bipartisan effort to forge meaningful tobacco legislation. Without your active participation and support, Mr. President, there can be no tobacco bill. Together we can make a positive and defining difference.

Senator FEINSTEIN, Senator BREAUX and I are prepared to move forward with tobacco legislation that is constitutionally sound and that will protect millions of Americans, both young and old, from the enticement of the deadly tobacco habit. We simply cannot lose this opportunity.

We do not intend to remain on the sidelines while this issue languishes and political rhetoric is thrown back and forth.

Some of my colleagues have stated they intend to offer the Commerce Committee tobacco bill as an amendment to all appropriate legislation on the floor of the Senate. Let me say to my friends that I share your concern that the Senate should pass legislation this year.

I ask that you join us in our bipartisan effort to enact a settlement-based bill. Together we can realize enactment of tobacco legislation that has seemed so illusive over the past several weeks.

I would like to outline this legislation so that my colleagues will understand the basics of the bill that we will file in the future.

Number one, the key to an effective program, according to public health experts, is that it must be comprehensive.

The Hatch-Feinstein bill accomplishes this goal with major provisions that build upon the June 20, 1997, agreement and the plaintiffs' attorneys' settlement proposal. Ours would require $428.5 billion in payments over 25 years. That is $60 billion more than the June 20, 1997 proposal.

Our bill will focus on antitobacco activities, including prevention and research efforts, and give full FDA authority over tobacco products. This is important because no comprehensive, antitobacco bill can be passed without the voluntary cooperation of the tobacco companies.

When the proposed settlement was announced last June, with a record $368.5 billion in industry payments, we were all astounded that the tobacco companies would agree to pay that whopping amount of money. That record amount, that ''ceiling'' as it were, was astounding. Now there are those who talk like that is nothing.

Our bill will add another $60 billion to that $368.5 billion in required industry payments over 25 years.

I am hopeful our bill will bring the tobacco companies back.

Yes, they will be kicking and screaming. They will be angry. They will be upset. But, I predict they will come back.

There has been considerable debate in this body about the adequacy of the industry payments. I wish we could require $1 trillion in payments.

The plain fact is that we have to be reasonable. If we want a comprehensive and constitutional bill, then we will have to insert provisions to bring the industry back to the discussion. Only with their participation can we have a truly constitutional, comprehensive bill.

Of the $428 billion in industry payments, $100 billion will be devoted to biomedical and behavioral research.

These significant new revenues are devoted to efforts to prevent, treat, and cure tobacco-related and other illnesses. We have included funds for behavioral research as well, so that we can determine the causes for youth tobacco use and determine how best to address them.

Let me emphasize, we provide $100 billion over 25 years, or $4 billion a year, for biomedical and behavioral research, with no possibility the funds will be diverted for other, non-tobacco-related purposes. That is something that will benefit the public health of this country significantly.

We also provide $92 billion for important public health programs to combat

youth tobacco use, including counteradvertising, smoking cessation, and public education. Again, this is all for tobacco-related public health programs.

We also include $18.7 billion for tobacco farm families, by melding the Lugar bill and the best of the LEAF Act, Senator FORD's bill, other than continuing the subsidies.

Public health authorities insist that increasing tobacco prices is an important weapon in our anti-youth-tobacco-use arsenal. Law enforcement is equally adamant that price increases will lead to greater opportunities for black market sales. Our bill will substantially enhance law enforcement resources at all levels—Federal, state and local—and will also provide new criminal penalties for trafficking in contraband. The Hatch-Feinstein-Breaux bill will provide $9.4 billion for law enforcement efforts, which will be essential in the eyes of law enforcement.

Turning to another provision, our bill includes $5 billion for tobacco-related programs for Native Americans, who are particularly hard hit by some of the problems that come from tobacco. We provide $200 million a year for these Native American programs.

Let me add that we also give FDA strong and new authority over tobacco products, authority that is in question in light of current litigation over this issue. We also include strong look-back assessments, which, without the tobacco companies on board, will not be constitutional.

In addition, when I say we give FDA strong new authority, we mean it. We not only give them the authority, we give them the authority to ban tobacco products, with the consent of Congress, right from day one. And we require them to issue strong performance standards that industry must meet so that we can be assured that any tobacco products sold in the future, meet government-mandated standards with respect to their critical components, such as tar and nicotine and all other additives. So that is important. That is quite a bit different from what was included in the Commerce bill, where the performance standards were permissive, not mandatory. We keep the industry's feet to the fire by including a strong look-back provision which will provide the industry with the incentives to be good actors, but which will provide stringent penalties if they are not.

We provide $204 billion to the States to settle their suits and provide reimbursement for their Medicaid costs. We waive Federal recoupment of these funds under Medicaid law.

The challenge for Congress is to design a program which works and which will withstand legal challenge. The problem with the Commerce bill, had it passed, is that it would have been litigated for probably 10 years, because it was unconstitutional.

Senator FEINSTEIN, the other cosponsors, and I, have worked very hard to avoid constitutional and other legal pitfalls which handicapped the Commerce bill.

So, to sum up, our bill contains constitutionally permissible advertising and marketing provisions, advertising restraints well-beyond those contained in the FDA rule. We have strong look-back assessments—up to $5 billion in penalties in 2004 and up to $10 billion by the year 2009 if the industry does not meet the reductions in youth-smoking that we set in the bill.

And our bill mandates establishment of a documents depository in a central location, Washington, DC, where all of the tobacco companies will deposit critical industry documents. This will be done by volition, since the companies will have agreed to the protocol contained in the bill. This should make it easier for individual claimants to sue and to recover. And that is no small thing.

Now, under Hatch-Feinstein, the manufacturers, State governments, the Castano litigants, and the Federal Government voluntarily execute a binding and enforceable contractual agreement, so that tobacco companies will have agreed, voluntarily to meet the requirements of the bill.

Similarly, with the industry voluntarily consenting to the agreement, this obviates any constitutional problems with the look-back provision.

We have included several limited liability provisions, which is the one prerequisite to the industry voluntarily agreeing to a bill; this will give the industry greater predictability in their financial exposure due to lawsuits, and which in turn will provide the Federal Government with a more predictable revenue stream to operate its new antitobacco program.

Now, with respect to the limited liability provisions, we settle all Federal, State and local suits, including class actions, in line with the settlement nature of the legislation. That is what the attorneys general did. Shutting off the State litigation allows us to provide the States, counties and cities with guaranteed payments of up to $204 billion, without the need for costly and time-consuming litigation and without Federal Medicaid recovery.

Specifically, we provide $204 billion to the States. Forty percent of the State funds are untied; 60 percent of the State funds are targeted for 14 specific programs.

We fully preserve all individuals' rights to pursue their injury claims, and all individual suits will be preserved and allowed to proceed except for those making claim for treatment only of addiction or dependency.

We settle all past punitive damages in exchange for an unprecedented $100 billion which will be used for biomedical and behavioral research. Future judgments against the industry, with the exception of claims for addiction and dependence, will be subject to punitive damages, but they will also be subject to a cap on total awards during any given year.

May I ask, Mr. President, how much of my time is remaining?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Utah has 8 minutes remaining.

Mr. HATCH. Let me just proceed a few minutes more before I turn to my colleagues, and then I will reserve the remainder of my time.

The Hatch-Feinstein-Breaux bill contains many provisions that mirror those contained in the proposed settlement of June 20 of last year.

We are trying to accomplish the art of the impossible. We want to enact this astounding settlement, this unprecedented agreement wherein the tobacco companies voluntarily concur in making large annual payments in exchange for unprecedented new advertising bans and future look-back penalties.

If we cannot maintain the consensual nature of the original settlement, then we lose the ability to accomplish many of the key elements of any comprehensive anti-tobacco legislation.

I want us togo home this year proud that we have enacted a good bill, not ashamed of our inaction or our action on a faulty bill.

I thank my colleagues for being willing to support this bill. On the Republican side it is myself, the Senator from Oregon, Mr SMITH, Senator JEFFORDS, Senator GORTON, Senator BENNETT, Senator HUTCHISON, Senator KEMPTHORNE, and Senator DEWINE; on the other side, Senators FEINSTEIN, TORRICELLI and BREAUX. Let me reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the Senator from California has up to 20 minutes.

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. I would ask that I be notified when 10 minutes of my time has gone by, and I will try to share it with the distinguished Senator from Louisiana.

Mr. President, Senator HATCH and I have prepared our bill based on some ten hearings in the Judiciary Committee and is based on, we believe, would create a consensus to create a bill which would do the following: Create a pure tobacco bill with no additional tax measures, no drug enforcement programs, no voucher programs, but which would provide some incentives for the tobacco industry to agree, while increasing the per-pack price, and this is a gross figure, to about a $1.50 over 10 years. This would include excise and State taxes, wholesale and retail markups, manufacturers take. This bill would also ban all tobacco advertising geared toward children and ensures that the FDA has the necessary regulatory authority to regulate the consents, and to limit nicotine. It would also provide, as Senator HATCH has just said, some $92 billion over 25 years for tobacco-related public health programs, and $100 billion over 25 years for research, with tough look-back provisions that require the industry to reduce youth smoking by 67 percent in 10 years.

It would also require States to negotiate an allocation of tobacco funds to counties that filed lawsuits before the June 20, 1997, deadline.

As you know, the McCain bill as it came out of the Commerce Committee, required a total payment of $516 billion over 25 years. The Hatch-Feinstein proposal requires $428.5 billion over the same period. Under the McCain bill, as amended, it would have diverted about half the funds to programs unrelated to tobacco or public health. Under the McCain bill, there was less money going to public health programs and to the States than under Hatch-Feinstein, since 26 percent of the funds right off the top went to an election year tax cut. For instance, for the first five years, $47.2 billion would be left over after the tax cut, the Coverdell amendment then takes the great bulk of funds available for public health programs and uses it for drug enforcement, border patrol and school vouchers. That bill allocated 40 percent of the remaining funds available for State programs, while Hatch-Feinstein allocates 50 percent of the funds directed to the State.

Under our proposal during the first five years, there would be $10 billion more money for Federal public health research and antitobacco programs. There would also be $7 billion more money for State public health and antitobacco programs. The public health aspect, we believe, is the most important part of this legislation. Additionally, one of the most critical areas which must be addressed for any tobacco legislation to be successful in reducing youth smoking, I believe, is advertising. The tobacco industry knows that millions of smokers quit annually and approximately 400,000 Americans die from smoking-related diseases each year. They also understand that 89 percent of all new smokers are adolescents, and for their market share to continue they must continue to market cigarettes to children, and they do.

So, advertising plays a central role in leading young people to smoke.

We know that tobacco companies can no longer advertise on television or radio, so they use alternative forms of advertising and promotion to persuade teens to start smoking. We know that, despite endless promises by the tobacco companies that they have not and would not market to children, that they would not use advertising to appeal to children, they have done exactly what they promised not to do. And the evidence is staggering.

Mr. President, 87 percent of adolescents could recall seeing one or more tobacco advertisements and half could identify the brand name associated with one of four popular cigarette slogans. As a matter of fact, in 1986 Camel cigarettes ranked seventh in popularity among the youngest age group of smokers, with less than 1 percent of all children smoking Camels. One year after Joe Camel was introduced, the brand jumped to No. 3 among teenage smokers—from No. 7 to No. 3—because of Joe Camel. This shows a clear relationship between advertising and teen smoking.

Three months ago, I saw a tape of a television news report where a beautiful 3-year-old girl was able to match the cartoon Joe Camel with the photo of a cigarette. It was chilling. Even a 3-year-old could associate Joe Camel with cigarettes, and it was a positive association. Some have even said more children recognize Joe Camel than Mickey Mouse. It should not be this way in the United States of America.

Our provisions in this bill with respect to advertising are as follows: The companies would have to agree to ban all outdoor advertising; all Internet advertising; all stadium/arena advertising; sponsorship of athletic, music, and other cultural events; human images in ads; cartoon characters in ads; product placement in movies, TV, video games, youth publications, and live performances; placing tobacco logos on nontobacco merchandise such as hats and T-shirts; color and image advertising except for adult-only locations; all adult magazines and newspapers; music and sound effects in audio and video advertising.

So, if a company wants to advertise in media other than periodicals, promotional material, and point-of-sale materials, it must give a 30-day notice to the FDA. These are broad, far-reaching restrictions which will severely limit exposure of children to tobacco advertising.

Senator HATCH has laid out the liability provisions very well. Something I think we have all learned from this debate is that there should be some form of liability cap. That is the incentive—part of it—for the tobacco companies to comply. Our bill caps liability at $5.5 billion. As Senator HATCH stated, it would terminate all Federal, State, and local suits, Castano action, class action, individual preventive addiction and dependency claims.

But all individual suits will be preserved and allowed to proceed, with the exception of those making addiction or dependency treatment claims for past conduct by the companies. They could continue the addiction and dependency treatment as long as an illness was related. Consolidation would be allowed by court action or by motions to join cases filed by individuals.

Additionally, as I have mentioned, the Joe Camel suit was actually brought by a county, and yet that suit was jettisoned in the prior legislation. So we require that the states with those counties who have filed suit before 6/20/97—San Francisco, Los Angeles, Cook County, New York City, and Erie county—that they would all be recognized and provided for in this particular bill.

I want to speak to the look-back provisions for a moment, because we set tough industry targets to reduce youth smoking and they are the following: 15 percent in 3 years, 30 percent in 5 years, 50 percent in 7 years, and 67 percent in 10 years. And the penalties are actually stronger in our bill. The McCain bill, for example, had $40 million penalty per point when the industry is 1 to 5 percent short; we would have $100 million per point. Under McCain, if an industry is 6 to 20 percent short, their penalty would be $120 million per point plus $200 million. Ours impose $200 million per point. Under McCain, it imposes a penalty cap of $2 billion per year industry-wide and $5 billion per year company-specific cap; in our bill, it is $5 billion per year for 5 years and $10 billion thereafter industry-wide.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. If I might have 1 minute to sum up and then yield to the distinguished Senator from Louisiana?

Another provision in our bill that I want to speak to is the antismuggling provision. I heard so many people say, you don't have to worry about a black market, it is not going to happen. There is a black market today in California based on the present $2-per-pack price. The trick really is how the bill phases in per-pack pricing increases plus FDA's regulation of content and nicotine to see that it is done in a way that does not create an increased black market or increased smuggling. We provide in our bill an additional $9.4 billion over 25 years for enforcement of antismuggling provisions.

So, if the ultimate goal of tobacco legislation is to reduce teen smoking and smoking overall, we believe this bill will pass scrutiny by our colleagues. We offer to work with anyone who cares to work with us.

I would like very much to thank the chairman of the Judiciary Committee. I very much enjoyed working with him on this bill.

I now yield the remainder of my time to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank my colleague for yielding some of her time. As well, I thank Chairman HATCH for the work that he did on this legislation. I think the two previous speakers really need to be congratulated for bringing to the Senate a commonsense approach to what has become a very tragic situation. I would like to make just a few comments about it.

You know, in Louisiana, where I am from, there is an old saying that if you like the end product, there are two things you should never watch being made; one is sausage, and the other is laws; because if you like the end product, you don't like the process that you go through to make either laws or sausage. If you observe it too carefully, you will never like the end product, perhaps is what they are trying to say.

The point I am trying to make today is, what has happened on the tobacco legislation, I think, is indeed very,

very tragic, because what started out with very good intentions has ended up with a very serious loss for all Americans who are concerned about trying to do something about tobacco. There was a poll by one of the television networks on Friday night. It said that 47 percent of the American people were pleased that the tobacco legislation that came up in the Senate was defeated; 46 percent said that they were disappointed it was defeated. The American people have to be horribly confused about the situation, where we are and what has transpired.

Do you know what we are engaged in now? We are now engaged in Monday morning quarterbacking. Members of both parties are trying to figure out how we can blame each other for the defeat of something that started off so pure and so good, with the best of intentions. Now all you see is spinmeisters saying, well, it is the Republicans' fault, because they are trying to load it up with marriage penalties and vouchers and they made it a tax bill and then they decided it was too loaded up after they loaded it up.

There are some on our side who said, ''Well, no, this legislation wasn't nearly enough and wasn't tough enough on tobacco. We can be tougher on the tobacco companies than anybody else. Just watch what we can do when we want to be tough on tobacco companies.'' So we started with a product that was a good product in the beginning. Then, we made it so difficult that you broke the cooperation between all of the parties that is essential to get any kind of good agreement.

I suggest there is plenty of blame to go around on both sides. That is why 47 percent of the American people believe they are glad the tobacco bill is defeated; 46 percent do not feel happy, that the Senate should have passed it. The American people have to be horribly confused. I think now we have to take a look at where we are. What do we do? Do we continue to play the blame game for the rest of the year? Do we continue to see who can get the most political advantage? Or do we try to make one last desperate but incredibly important effort to put something together that we can pass and that will work?

It is really interesting if you look at what happened. You have to start from where we started. The June 20 attorneys general agreement was a compromise that really got the job done. People have come to the floor of the Senate and said, ''I can't be for that because this bill was written by the health groups.'' Others have said, ''I can't be for this bill because this bill was written by the tobacco companies.'' Or they can't be for this because it was written by the attorneys general or it was written by the plaintiffs' lawyers.

The truth, in fact, is the reason the June 20 attorneys general agreement was so good is because it was written by everyone involved. It was written by the attorneys general, who filed suit on behalf of 40 States against the tobacco companies. It was written by the tobacco companies, who were the ones being sued. It was written by the lawyers for all of the injured plaintiffs who had suffered injuries from smoking-related activities. That is why it worked, because it was not written by just one group, but it was written by everybody who had an interest in trying to get a realistic settlement passed.

Now, all of the people who have now said that what we had on the floor was not nearly enough, I think they thought the June 20 agreement was pretty good. I was just looking at some of the old press releases about the June 20 agreement. One caught my attention the most. It was from the Campaign For Tobacco-Free Kids, which has been one of the strongest advocates for more, more, more, more, more. I understand where they are coming from, and I understand their position.

But when the June 20 agreement came out with the attorneys general and the tobacco companies, which was far less than the bill they opposed on the floor from their perspective, here is what they said about the June 20 agreement:

> The agreement with the tobacco industry announced by the state Attorneys General has the potential to save millions of lives, prevent children from starting to smoke, and help break the cycle of addiction for both children and adults.

They continued:

> This agreement has the potential to achieve more than could be realistically gained by any other means. The agreement can be a historic turning point in the decades-old fight to protect children from tobacco addiction and bring about a fundamental change in the role of tobacco and the tobacco industry in our lives.

They continued by saying:

> The agreement goes well beyond the provisions of the FDA Rule in terms of reducing youth access to tobacco products and curbing tobacco marketing.

It goes on and on and on praising the June 20 agreement. The bill on the Senate floor was far better than this agreement, which they said such wonderful things about, yet because of a desire for more and more and who can be tougher, we ended up getting less and less and less. And where we are today is very unfortunate.

Where we are today is, there is no settlement of any of the lawsuits. No plaintiff has ever put a nickel in their pocket as a result of suing a tobacco company. This would have provided that. No settlements because of where we are; no money for the States for their Medicaid programs; no money for the States for tobacco-related expenses; no money for the National Institutes of Health to do research in this area; no additional authority for FDA to regulate nicotine as a drug; no advertising and marketing restrictions; no targets for reducing teen smoking, with penalties if these targets are not met. There is no help for farmers for getting out of the business.

And what we have now is a debate about whose fault it is. We are arguing about failure. We are arguing that, ''It's your fault nothing was done''; ''No; it's your fault nothing was done,'' instead of trying to put together a compromise where we can argue about success, where we can argue about a bill that would provide all of these things that I have just outlined, and the distinguished chairman of the Judiciary Committee outlined and about which the Senator from California spoke. We have none of that now. And we have none of that because of this rush to see who can be tougher and tougher and tougher.

I am suggesting that what Senator HATCH and Senator FEINSTEIN have brought before the Senate is a major undertaking. And we are at the point where it is time for cooler heads to prevail. We have had the political debate. We have had the political arguments. We have had the pollsters talk about who comes out the best. And in fact, the truth is we all come out, I think, looking pretty bad.

So I conclude by thanking Senator HATCH and Senator FEINSTEIN for doing what they are doing. The status of the tobacco legislation now, because of the Senate's action, is that it has been sent back to the Commerce Committee. I think we ought to take this legislation and bring it back to the full Senate.

Now that we have had the political discussion, perhaps we can find a way to come together and do something where everybody can get credit. Both sides can get credit, and the American people will win. Right now we have a situation where I am afraid that everybody is a loser. This is a good, solid, balanced approach that needs to be enacted. Thank you.

Mr. HATCH. I am happy to yield the last couple minutes of my time to the distinguished Senator from California, if she would like.

Mr. President, let me just bring one other point to the Senate's attention. Press articles in the past few days make it abundantly clear the need to enact a national settlement.

Yesterday, the Washington Post had a front page article: ''Tobacco Pays for Crusade Against Itself.'' Think about that for a minute. This article highlights what it calls an ''all-fronts attack'' on tobacco, a massive counteradvertising campaign paid for by the industry itself. Those potent tools would be used by all 50 States if we enacted a national settlement. The article highlights the strong counteradvertising message that is being delivered in Florida because of the settlement.

Then today, the Post ran another article that was entitled: ''Appeals Court Voids Award in Tobacco Suit.'' This article describes the Florida court of appeals action to overturn a $750,000 judgment against the Brown and Williamson tobacco corporation for a smoker who lost part of his lung to cancer.

Experts agree that the ruling, which overturned a judgement termed by the AMA as a ''milestone,'' has important national implications. This jury award was just the second jury award against a tobacco company in all of our history in this country.

Now, you can go back to the 1960s, when I became a young lawyer in Pittsburgh, PA. The first antitobacco cigarette cancer case in the history of the world was brought to the Federal district court by none other than Jimmy McArdle, one of the greatest plaintiffs' attorneys who ever lived, the lead partner in the law firm McArdle, Harrington, Feeney, and McLaughlin.

That was a big battle. This case was publicized all over the country. It was the first loss of literally hundreds of cases.

The ruling in the Florida case was just the second awarded against tobacco companies, and its reversal once again demonstrates how hard it is to successfully sue the tobacco industry.

This ruling affirms the vitality of the common law doctrine of assumption of risk which bars recovery if the plaintiff knew the risk of his action. Because of the assumption of risk doctrine, the tobacco companies win almost all their cases.

A national settlement bill, such as Hatch-Feinstein, would assure an orderly and rational payout of funds by earmarking annual payments. It would avoid the so-called ''race to the courthouse'' that has so many of us concerned.

These two Washington Post articles point out the need for a ''global'' approach in the words of the Attorneys General.

I would happily yield the remainder of my time to my friend from California.

Mrs. FEINSTEIN. I thank the chairman. And I thank him very much for all his work in this area.

I think, just to summarize—and I recognize there is a lot of territorial imperative resounding around this issue. And I hope that can be put into perspective and that we can look to find something around which we can rally.

True, this is a compromise proposal. I hope it will not be dismissed out of hand. It has a liability cap, yes. It has strong look-back provisions. It provides $428 billion over 25 years. It does divide the money 50–50 to federal and state. The money that goes to the State can be used for 14 specific programs. The money that goes to the federal fund is used for tobacco-related research and public health programs. It does have the FDA provisions. It does have strong advertising provisions.

Now, as I have talked to people, there is a kind of purist attitude that ''Unless a bill is this or that, I won't vote for it.'' Well, there are a lot of strong feelings on behalf of all of us. I could say—and it is true—my calls on tobacco reform have run dominantly in the negative, those people opposed to reform. And yet I think there isn't a Member in this body who does not understand that tobacco reform is something that is important, just forged from one statistic—and that is 3,000 young people a day beginning to smoke, and 1,000 of them dying from tobacco-related illnesses.

We know we have to do something. We do know when you raise the price, teenagers stop or are deterred from buying. If you combine that with a strong no-advertising provision and a strong look-back provision to keep the companies honest, I think you have a bill that is about as good as one can get.

So I'm very pleased and proud to join with the chairman of the Judiciary Committee, once again, to offer to work with whomever in this body so that we might be able to introduce a bill that will be looked upon with favor by a majority.

I thank Chairman HATCH and I yield the floor.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The order of June 18, 1998, in regard to H.R. 4060 has been executed.

The bill is passed, and the conferees have been appointed.

(Pursuant to the order of June 18, 1998, the Senate passed H.R. 4060, making appropriations for energy and water development for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2138, Senate companion measure, as passed by the Senate. Also, pursuant to the order of June 18, 1998, Senate insisted on its amendment, requested a conference with the House thereon, and the following conferees were appointed on the part of the Senate: Senators DOMENICI, COCHRAN, GORTON, MCCONNELL, BENNETT, BURNS, CRAIG, STEVENS, REID, BYRD, HOLLINGS, MURRAY, KOHL, DORGAN, and INOUYE. The passage of S. 2138 was vitiated and the measure was indefinitely postponed.)

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, parliamentary inquiry: What business are we in?

The PRESIDING OFFICER. The Senate is on division I of amendment No. 2137.

Mr. BURNS. Mr. President, I ask unanimous consent that be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I ask the Senator to withhold that, if he would, for another few minutes, to see if we can work out a unanimous-consent agreement, pursuant to which he would be able to proceed. Otherwise, I think we would have to object on this side, and perhaps on your side, without that unanimous-consent agreement. We are trying, however, very hard to work out a unanimous-consent agreement to permit the Senator to proceed.

So I ask the Senator to withhold just for a few more minutes to see if we can do that. In the absence of that, I would have to object.

Mr. BURNS. I appreciate the suggestion of the manager of the bill. I will do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTISAN FIGHTING OVER FOREIGN RELATIONS POLICY

Mr. BAUCUS. Mr. President, we are here to debate one of the most significant components of our foreign relations policy, and that is the Department of Defense authorization bill.

There is often a great temptation to exploit foreign policy debates for partisan political purposes. We all are tempted. But I believe that when we do—that is, on a foreign policy debate—it is a mistake. Such partisan fighting over critical issues of worldwide importance is both dangerous and counterproductive, and that is why I see engaging in congressional debates over China policy at this time, particularly amendments which are perceived as mischievous, is not a good idea. Although China does not manage its affairs as we would like, it makes little sense to base our relationship entirely on that concern. We should base our relationship, rather, with China on a clear view of United States interests, a

foundation of basic American values, and appropriate methods that will secure those interests and advance those values.

China is the fastest growing country in the world. It is the world's most populous country.

It has the largest army in the world, is a nuclear power. China is a force to be reckoned with. And of all the areas our foreign policy must address—peace and security in Asia, prosperity and open trade, environmental protection, the prevention of climate change, and human rights—we will achieve our goals more easily through a cooperative relationship with China than with a destructive one of confrontation, one that seeks common ground and addresses differences frankly rather than through a policy limited to sanctions and confrontations. That is an approach that has succeeded with China over the past 25 years.

China is a large country. The most progressive regions of the country are those engaged in trade with the West. That is no accident. Our presence in China has an enormously positive influence—one that would be lost if we cut off trade or cut off discussions with China.

This relationship with China has grown out of the foresight and the cooperative efforts of those who have gone before us.

Our modern relationship with China began over 25 years ago with a visit to China by President Nixon. President Nixon anticipated the difficult nature of this relationship. But he also recognized the importance of establishing a sound working relationship with the most populous nation in the world.

As Envoy to China, former President Bush continued the efforts to open China to the rest of the world. His work set the stage for the U.S.-China relationship we have today. Perfect, it is not. But it is a relationship, and it can be improved. And it calls to mind other relationships which we have encouraged over the years.

Fifty years ago, we had no relationship with Japan. Since then we forged an enduring alliance with that important nation. It is the work of statesmen like Douglas MacArthur and Yoshida Shigeru after the end of World War II; Dwight Eisenhower and Kishi Nobusuke, who steered the U.S.-Japan Security Treaty through the Senate and Diet in 1960; and Montana's own Mike Mansfield, who served for years as our Ambassador to Japan.

This relationship was not—and is not—a partisan issue. Its champions came from the Democratic Party and the Republican Party. And we have all benefited from their hard work.

This relationship has weathered great adversity in the last half century—the Chinese Revolution, the Korean war, Vietnam, and 40 years of the cold war. Through it all, this relationship has helped many of the nations in the Pacific give their people better lives.

It is important to remember that we spent years engaged in a standoff with the former Soviet Union. But by engaging that nation, we witnessed the end of the cold war, the end of the conflict and the birth of a new relationship with Russia. It took hard work and cooperation to make this new Russia a reality. The same is true in our dealings with China.

A policy of engagement—tough, frank, hard-nosed engagement—is correct, not because it is in the interest of China, but because it is in the interest of America.

There are still great strides to be made with China, particularly on human rights. It is a mistake to focus only on our differences and to ostracize China.

We must ask ourselves whether we should seek to reform China by continuing engagement in a positive manner, or, instead whether we should seek to force the Chinese to change course by isolation.

I think we ought to pursue the first choice—engagement.

Mr. President, some have suggested that we are appeasing, even coddling, China, that we are ignoring their human rights abuses and other egregious acts, that somehow they are being given undue special treatment. I disagree.

Obviously, there are problems with the way China cracks down on political dissent and treats its dissidents. However, I think the insinuation that there is double standard for China is not correct.

We must continue to speak up when China acts contrary to international norms. Simply put, we cannot and should not look the other way when China disregards its commitments.

However, we cannot have much say in these matters if we do not talk—if we do not engage in constructive dialogue. After all, China's most repressive periods have occurred when China was isolated from the rest of the world.

During the debate on this bill, as we consider amendments we should ask ourselves one question.

Does the amendment strengthen America's hand, and improve our relationship, or will it make things worse?

If the latter, I would urge my colleagues to vote it down.

Let me apply this question to the pending, divided, amendment.

The distinguished Senator from Arkansas has proposed a series of amendments to the DOD authorization bill which aim to change China's behavior through a series of minor but bothersome sanctions.

I deeply appreciate the Senator's reservations with some of China's policies. We all have reservations with some of China's policies. But, I believe this amendment goes about changing them in the wrong fashion.

Surely every member of Congress would take issue with forced abortions—I would; we all would—religious persecution the same, and the imprisonment of individuals for the expression of political beliefs. That is clear.

Americans hold as their most cherished freedoms the right to worship as they please and speak their minds. It is a measure of the country's greatness that we are allowed to speak freely.

We expect this freedom on this Senate floor and indeed we have it. We expect it in our homes and throughout our workplaces.

It is therefore natural that we extend these freedoms to peoples in other lands. We object strongly when those rights are denied. Clearly, there are other issues concerning China that Americans can disagree with.

Despite significant progress, today's China is still too repressive and too restrictive. Those who would speak out against the government still risk imprisonment, house arrest and the denial of political rights. I wish to change that. We all wish to change that, and change that eventually with the right policies we will.

We must hold China accountable to the human rights agreements it has signed, most notably the universal Declaration of Human Rights.

But alienating China will not convince China. Ostracizing China will not endear it to the practices we would most like to see implemented.

We can continue to facilitate China's transformation through engagement and dialogue or we can give in to the isolationist sentiments that these amendments represent.

As we near the President's departure for China tomorrow, I urge the Senate to express its support for continued engagement of the Chinese Government.

No doubt about it, the President has much to discuss when he gets to Beijing. But it is both important and appropriate that the discussions occur. They must occur. Frank discussions of necessary improvements in China should be forthcoming.

The success of the trip will be enhanced with the endorsement of this body.

Mr. President, today's debate illustrates an even more important point—the need for a bipartisan approach to foreign policy. It has been said that politics ends at the water's edge. When it comes to foreign policy there are no Democrats, there are no Republicans, there are only Americans.

In this world today, there are many serious, global issues: India and Pakistan exploding nuclear bombs, the expansion of NATO, the collapse of the Asian economy. To the maximum extent possible, we must work together to address these issues. But often, partisan actions hinder progress on important issues of national importance.

One such instance is the conflict over funding for the International Monetary Fund.

The attempt to link family planning policy and international financial assistance is an effort to conduct a debate for the benefit of a domestic constituency. If a debate on the IMF is in

order, then we should debate the IMF on its merits. But to stall the passage of this important legislation may weaken the hand of the U.S. Government and it may allow real problems to get worse. This is a situation where cooperation is critical.

Last week, I invited my colleagues to join me in an effort to establish a more cooperative, bipartisan approach to our foreign policy matters.

I, along with Senator HAGEL of Nebraska, am working to focus more energy seeking constructive solutions to American foreign policy problems. We intend to work together, to help reduce the rancor that partisan bickering tends to produce.

Just as engagement is the proper way of working with China, so too must we engage each other in order to better articulate Americans' interests and needs aboard.

We are many voices. We represent many ideas. Making progress requires constructive dialogue by all parties, and I encourage my colleagues engage in that discussion.

One final note, Mr. President. When President Clinton travels—when any American President travels overseas—he is the President of the United States of America. He is not a Republican President. He is not a Democratic President. He is the American President. When he travels, we in the U.S. Senate and the House of Representatives must give him our full cooperation. There are other times when he returns when we can debate what our foreign policy should be. But when it comes to foreign policy, we Americans will do much better, our stature in the world will be much higher, if we work out these differences among ourselves so that in the end we truly have a bipartisan foreign policy, a foreign policy that the Congress and the President have worked out together so that we stand taller and get more done than we otherwise might.

There is plenty of room here in domestic politics for partisanship. There is more than enough here for partisanship in domestic politics. I deplore most of it, even in domestic policy, but when it comes to foreign policy, we must stand together.

I urge Senators who have amendments to think twice before offering them, and perhaps bring up that issue when the President returns from his trip to China, because then the country is much better off.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I understand that Senator HUTCHINSON is now in a position to have the pending China human rights issue withdrawn.

However, before the Senator is recognized, let me put the Senate on notice as to where the bill is going, hopefully, for the next few days, which will take some cooperation, but I believe we are going to get it. I certainly hope so.

Following the withdrawal of the China issue and a statement by Senator HUTCHINSON—and I believe he is on the floor and ready to proceed—the Senate will resume consideration of the DOD authorization until approximately 5 p.m. At that time, the Senate will turn to the Coverdell A+ conference report for approximately 2 hours of debate tonight. The Senate will resume the conference report consideration on Wednesday at 9:30 and, therefore, the vote on final passage will occur around 11:30 on Wednesday on the Coverdell A+ education bill.

The Senate will then resume the DOD authorization bill. It is the hope of both leaders that the bill can move forward and be concluded by the close of business on Wednesday. I realize that is a big order, but we are calling on our leadership.

Mr. LEVIN. Wednesday of this week?

Mr. LOTT. Wednesday of this week, or Thursday at the latest, because we do have a lot of other work to do.

I realize there are some, I don't know, 150 amendments pending. Who are we kidding? That is not only not serious, that is totally laughable. This is the Department of Defense authorization bill which we need to do for our country. This is a bill that the Armed Services Committee has already done the bulk of the work on. While I realize there are a lot of policy issues, a lot of amendments that Senators would like to offer, I hope they will cooperate and we can get this bill completed in a reasonable period of time. This is the fifth day that we have been on the DOD authorization bill. Tomorrow will be the sixth day. So we need to get it concluded. I do now put the Senate on notice that I intend to call up H.R. 2358, relative to the China human rights issue, sometime after July 6, 1998. I will notify all Members when the date has been finalized so all Members will have time to prepare for it. This is an important issue for our country. Senators on the Democratic side have said we should not debate this while the President is going to China. I think, as a matter of fact, that the reverse is the case—that we should make our point, express the Senate's concern on these very important issues before the President goes, but not necessarily while he is there. It is an issue that we need to address further, and we are going to do that sometime after July 6.

Mr. President, I ask unanimous consent that, following a brief statement by Senator HUTCHINSON, the motion to recommit be automatically withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the majority leader for the opportunity to work with him on this issue. I believe the China amendments I have offered have great value. The debate has been healthy, and the debate has been necessary. I, frankly, am willing to stand here and talk about human rights in China in general this week and next week, or as long as it takes. My great objective is to see these provisions become the public policy of this land.

In my opinion, the opponents of these amendments do not have a substantive leg to stand on. The only reason they have brought up to oppose these amendments involves the timing of the offering of these amendments. I remind my colleagues, once again, that I offered these and filed these amendments over a month ago. They have sought to obfuscate the issues, obscure the motivations, and place obstacles in the path of clean and substantive votes. The hollowness of the administration's policy is evident in their unwillingness to embrace these very modest human rights amendments.

Mr. President, if I might say again, the hollowness of the administration's China policy is evident in their unwillingness to embrace even those modest human rights amendments, and the length to which they have gone to block them from a vote on their merits, I think, speaks to the weakness of the policy. The policy has failed. The lack of outrage by this administration over the news today that China denied visa approval for Radio Free Asia reporters, I think, gives powerful testimony to the kind of acquiescence and concessionary spirit that characterizes this administration's policies. It is all too typical.

These issues will not go away, I assure you. Slave labor conditions, forced abortions, forced sterilizations, religious persecution, and proliferation of weapons of mass destruction are real issues. They are not fiction or partisan weapons; they are not used for some kind of political brownie points or ''got-you'' points. These are real issues that need to be debated, and we need to change our foreign policy in relation to these abuses that are ongoing in China.

If history teaches us anything, history teaches us that appeasement never works. The fact that this administration has refused even to offer the annual resolution at the U.N. convention in Geneva on human rights, I think, is indicative that even the smallest stands for human rights have gone by the wayside. I think it was Edmund Burke who said, ''All that is necessary for evil to triumph is for good men to do nothing.''

What the Senate has done today on China policy is nothing. The fact that these bills passed overwhelmingly in the House of Representatives, the fact that this body voted not to table them by 80-plus votes, indicates there is strength in their appeal. I want to express my appreciation to the majority

leader for the commitment he has made today to bring up H.R. 2358 in July for a vote and that the China issue will be addressed, and that whether it is Senator ABRAHAM or Senator WELLSTONE, or others, who have issues regarding bills regarding China, they will have an opportunity to debate them and to offer them. I compliment and commend the majority leader for that public commitment today. I will continue to press for votes on these provisions. I will look for legislative vehicles, if necessary.

These concerns that I have expressed are not, as they have been portrayed, partisan politics. This afternoon, I attended a press conference in which there were more Democrats than Republicans expressing their concern about the human rights policy of this administration toward China. This is not partisan politics. This has nothing to do with Republicans trying to make points. I probably have as much difference on some of them on my side of the aisle as I do on some of them on the other side of the aisle. So people can stand and say that we should not use foreign policy as an instrument of partisan politics. Well, this is not. This is a bipartisan concern about human rights abuses in China that have not improved under the policy of this administration.

There is much more that we need to do, on a bipartisan basis, to press the cause of basic human rights and democracy in China. It is my sincere hope that President Clinton will take every opportunity to elevate these issues during his trip, which he embarks on tomorrow.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The motion to recommit is withdrawn.

The motion to recommit was withdrawn.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 2407, AS MODIFIED

Mr. BROWNBACK. Mr. President, I believe my amendment No. 2407 is now the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWNBACK. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2407), as modified, is as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SEC. ___. SENSE OF SENATE ON NUCLEAR TESTS IN SOUTH ASIA.

(a) FINDINGS.—The Senate finds that—

(1) on May 11 and 13, 1998, the Government of India conducted a series of underground nuclear tests;

(2) on May 28 and 30, 1998, the Government of Pakistan conducted a series of underground nuclear tests;

(3) Although not recognized or accepted as such by the United Nations Security Council, India and Pakistan have declared themselves nuclear weapon states;

(4) India and Pakistan have conducted extensive nuclear weapons research over several decades, resulting in the development of nuclear capabilities and the potential for the attainment of nuclear arsenals and the dangerous proliferation of nuclear weaponry;

(5) India and Pakistan have refused to enter into internationally recognized nuclear non-proliferation agreements, including the Comprehensive Test Ban Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons, and full-scope safeguards agreements with the International Atomic Energy Agency;

(6) India and Pakistan, which have been at war with each other 3 times in the past 50 years, have urgent bilateral conflicts, most notably over the disputed territory of Kashmir;

(7) the testing of nuclear weapons by India and Pakistan has created grave and serious tensions on the Indian subcontinent; and

(8) the United States response to India and Pakistan's nuclear tests has included the imposition of wide-ranging sanctions as called for under the Arms Export Control Act and the Nuclear Proliferation Prevention Act of 1994.

(b) SENSE OF SENATE.—The Senate—

(1) strongly condemns the decisions by the governments of India and Pakistan to conduct nuclear tests in May 1998;

(2) supports the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and Pakistan and invoke all sanctions in that Act;

(3) calls upon members of the international community to impose similar sanctions against India and Pakistan to those imposed by the United States;

(4) calls for the governments of India and Pakistan to commit not to conduct any additional nuclear tests;

(5) urges the governments of India and Pakistan to take immediate steps, bilaterally and under the auspices of the United Nations, to reduce tensions between them;

(6) urges India and Pakistan to engage in high-level dialogue aimed at reducing the likelihood of armed conflict, enacting confidence and security building measures, and resolving areas of dispute;

(7) commends all nations to take steps which will reduce tensions in South Asia, including appropriate measures to prevent the transfer of technology that could further exacerbate the arms race in South Asia, and thus avoid further deterioration of security there;

(8) calls upon the President to seek a diplomatic solution between the governments of India and Pakistan to promote peace and stability in South Asia and resolve the current impasse;

(9) encourages United States leadership in assisting the governments of India and Pakistan to resolve their 50-year conflict over the disputed territory in Kashmir;

(10) urges India and Pakistan to take immediate, binding, and verifiable steps to roll back their nuclear programs and come into compliance with internationally accepted norms regarding the proliferation of weapons of mass destruction; and

(11) urges the United States to reevaluate its bilateral relationship with India and Pakistan, in light of the new regional security realities in South Asia, with the goal of preventing further nuclear and ballistic missile proliferation, diffusing long-standing regional rivalries between India and Pakistan, and securing commitments from them which, if carried out, could result in a calibrated lifting of United States sanctions imposed under the Arms Export Control Act and the Nuclear Proliferation Prevention Act of 1994.

Mr. BROWNBACK. Mr. President, we have a short period of time to be able to discuss this, because at 5 o'clock we go to the Coverdell amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, if the Senator will yield. I think there is some discussion going on now that would enable 10 or 12 minutes on this very important amendment. I would like to take 2 minutes to join with my colleagues who are opposed to it. I would like to speak to it a little bit.

Mr. LOTT. Mr. President, first of all, have the yeas and nays been ordered on this issue?

The PRESIDING OFFICER. No, they have not.

Mr. LOTT. On the Brownback amendment, the yeas and nays have not been ordered?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. I understand there is a possibility we can go ahead and complete action on the Brownback issue after a statement by the Senator from Kansas and Senator WARNER, and perhaps Senator LEVIN would have something to say. If we can get that completed in a reasonable period of time, we can complete that and then go over to the Coverdell education issue.

Do we have any agreement on the time?

Mr. LEVIN. I don't know the length. I want to make inquiry on the yeas and nays issue. Is it not correct that the yeas and nays were ordered on the Feinstein first-degree amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So the question is, if there is a need for the yeas and nays, we would leave it. If there is no need for a rollcall vote on that, we would need to vitiate, as I understand it, the yeas and nays on the first-degree Feinstein amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I urge the leadership of the committee to pursue this issue and, hopefully, get to a conclusion, and then we would go to the Coverdell education conference report immediately after that.

Mr. LEVIN. Mr. President, is there a need for the yeas and nays on the first-degree Feinstein amendment? I ask whether the leader would have any objection, if there is no need for it, to vitiating the yeas and nays on the underlying Feinstein first-degree amendment.

Mrs. FEINSTEIN. Mr. President, in response to the comment of the Senator from Michigan, there is no need for the yeas and nays.

Mr. LOTT. Mr. President, let me inquire again about the time so we can get a time agreement. Do we have some indication of how much time is needed? The Senator from Kansas needs how much?

Mr. BROWNBACK. I think we can do all of this in 15 minutes, with all parties being able to speak. That would be

my sense. I think I can get my comments done in about 7 minutes or so.

Mr. LOTT. Mr. President, it sounds to me like 20 minutes, equally divided, should be sufficient.

I ask unanimous consent that the time be limited to 20 minutes, equally divided, on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I have an inquiry of the Chair. Then there are no yeas and nays requested on either the first- or second-degree amendments at this time?

The PRESIDING OFFICER. The yeas and nays have not yet been vitiated.

Mr. LEVIN. Would the leader have objection to vitiating the yeas and nays on the Feinstein amendment at this time?

Mr. LOTT. No.

Mr. LEVIN. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, if I could inquire briefly of the Senator from Virginia who asked to speak on this amendment how much time he might desire on this?

Mr. WARNER. Three minutes.

Mr. BROWNBACK. Mr. President, I ask that I be yielded 7 minutes of the 10 minutes allotted.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BROWNBACK. Mr. President, last month, following India's nuclear tests, I offered legislation to repeal section 620(e) of the Foreign Assistance Act of 1961 (otherwise known as the Pressler amendment). The Pressler amendment concerns restriction on the provision of military assistance and other transfers to Pakistan. When Pakistan blundered into responding to India's nuclear tests with tests of its own, this amendment not only became pointless symbolically, but because of existing sanctions law it was no longer relevant.

How rapidly events change. Last month when I proposed to repeal Pressler, the world was reacting in stunned disbelief to India's nuclear tests. At the time it seemed our only hope in stalling an all out nuclear arms race in South Asia was to offer Pakistan some security assurances, while at the same time urging them in the strongest terms not to be drawn into this dangerous display of nuclear saber rattling. Unfortunately, Pakistan did test, and we are now imposing sanctions rather than lifting them.

The month of May 1998 will be remembered as a time of nuclear anxiety. Tensions were high as the world watched India and Pakistan play nuclear roulette. June has brought some respite; India and Pakistan have declared a moratorium on further nuclear testing, and they are discussing bilateral talks this month. I pray that this nuclear nightmare will pass.

The question of South Asia's regional security and our future relations with India and Pakistan remain issues of abiding concern. What has happened in South Asia is in many ways an indictment of the administration's failed foreign and nonproliferation policies. Consider that, at this very moment Congress is investigating the administration for its export control policies, particularly as they relate to China. These policies have made possible the wholesale proliferation of missile and nuclear technology, not only to Pakistan, but to others, such as Iran.

Mr. President, the testing of nuclear weapons by India and Pakistan, and the resulting security crisis in South Asia should be of grave concern to all of us. We must continue to condemn India and Pakistan's nuclear tests, and urge them to enact confidence and security building measures to reduce the likelihood of armed conflict. We must encourage a more involved role by the United States in seeking a diplomatic solution, and in providing leadership to resolve the conflict over the disputed territory in Jumma Kashmir. We should urge India and Pakistan to roll back their nuclear programs, and to come into compliance with the NPT. In addition the United States should develop policies which will promote stable, democratic, and economically thriving economies in India and Pakistan.

Last week the administration implemented sanctions against India and Pakistan. Although the scope of these sanctions is limited—ending economic aids, loans, and military sales—they will cast a negative pall on our relations until they are lifted. We should not underestimate the symbolic and economic impact of these sanctions. In India, America-bashing has taken the form of boycotting American products and vandalizing establishments selling them. There are reports that foreign capital is fleeing India and Pakistan, and financial markets there have already been badly hurt.

It is premature today to talk about lifting these sanctions, but I don't believe it is too early to begin planning for their gradual removal. For that reason I am considering legislation which could provide for the conditional removal of sanctions against India and Pakistan, based upon progress as outlined in the Geneva Communique.

I think the communiques issued after the P–5 meeting in Geneva, and the G–8 meeting in London are reasonable appeals to India and Pakistan by the nuclear powers. Eighty other nations have joined the P–5 and the G–8 in denouncing these nuclear tests and calling for action by India and Pakistan. But, these appeals will not be met by India and Pakistan simply because they were announced in official communiques.

The Geneva communique said that confidence building measures, incentives, disincentives, and other actions are steps the international community can take in its relations with India and Pakistan. There are a number of actions we in Congress can take to move this process forward. Here are just a few.

We can listen to the concerns put forward by the Indian and Pakistani people. This week I will be leading a delegation to India and Pakistan to hold meetings with their leaders. My goal in visiting India and Pakistan is to hear, first hand, the views and concerns of their leadership. I also want to give assurances that this issue is very much on the front burner for the U.S. Congress. As I said in a hearing two weeks ago, it would be folly to isolate India and Pakistan at this time. We must be engaged. Unfortunately, in recent years U.S. foreign policy in India and Pakistan has been one of estrangement, not engagement.

We can work closely with the administration. This week I plan to invite the State Department Special Coordinator for India and Pakistan and interested members to a round table to explore how we might constructively engage India and Pakistan. I look forward to the results of those meetings.

In all of this—our meetings, our travel to the region, and our discussions with allies—our goal is to halt the proliferation of nuclear weapons in South Asia, restore regional security, and put our bilateral relationships with India and Pakistan back on track. We should settle for no less.

Mr. President, at the appropriate time I will ask for the passage of these bills. I do not believe that we will need a rollcall vote.

Mr. President, how much time is left on our side?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has 4 minutes.

Mr. BROWNBACK. Mr. President, I would like to retain the remainder of that.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that Terry Williams, a fellow in my office, be permitted privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, although the Senator didn't say this, I am a cosponsor.

I want to speak briefly about it. I don't believe in the last decade that there has been a more disturbing fact and change of events on the subcontinent of Asia than the detonation of these nuclear tests. They have taken two countries, and indicated to the world that each has a lethal capacity which is far in excess of the bomb that exploded at Hiroshima.

This morning I detailed the unclassified analyses of what each of these countries has in the type of nuclear weapons, the type of launching devices, the type of plane, and the potential damage in terms of loss of life of humans that could occur. And it is quite mind-boggling.

This resolution essentially calls upon all freedom-loving countries, all members of the international community, to support the United States in its sanctions against both India and Pakistan. It calls for the Governments of India and Pakistan to commit to no further additional nuclear test, and it urges them to take immediate steps bilaterally, and under the auspices of the United Nations, to reduce tensions between them.

This morning I indicated how easy these tensions could increase. I mentioned the bomb on a train. I mentioned 25 people killed at a Hindu wedding, a product of Moslem terrorists. Any one of these events could bring about a miscalculation and produce a nuclear holocaust.

We also in this resolution urge India and Pakistan to take immediate binding and verifiable steps to roll back their nuclear programs and come into compliance with internationally accepted norms regarding proliferation of weapons of mass destruction. And we urge our country to reevaluate our bilateral relationship with India and Pakistan in light of the new regional security realities in south Asia with the goal of preventing further nuclear and ballistic missile proliferation, diffusing longstanding regional rivalry between India and Pakistan, and securing commitments from them, which, if carried out, could result in a calibrated lifting of U.S. sanctions imposed under the Arms Export Control Act and the Nuclear Proliferation Prevention Act of 1994.

Mr. President, I believe that this resolution has been cleared on all sides. I would certainly urge its passage by voice vote.

Mr. WARNER addressed the Chair.

Mrs. FEINSTEIN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I likewise ask to be made a cosponsor of this amendment. I think it is a very responsible effort by our distinguished colleagues, the principal sponsors, and I think the Senate will endorse this, as it will in a voice vote momentarily.

But I would just bring to the attention of colleagues, if we do not handle responsibly this crisis—we, the United States—together with our principal allies, it will signal to other nations that they should begin to look towards the development of weapons of mass destruction. In all likelihood, they cannot afford the expense associated with nuclear weapons, but it will propel them into further areas of chemical and biological.

So that, to me, is the seriousness of this problem, if we do not handle it fairly, evenhandedly, and with a note of understanding. And that brings me to my question, because section (b)(3) urges other nations to impose sanctions. I just wondered, listening very carefully to the Senator from Kansas, who said he is going to travel over there to try to work out greater confidence-building measures and also to try to increase engagement, am I misreading that section as being possibly in conflict with what I hear my two distinguished colleagues as saying?

Mr. BROWNBACK. If I may respond to the Senator from Virginia, it was our intent that the United States has put on a set of sanctions via the GLENN amendment that were automatic, and we thought it important to state that if we are going to take that position, we should be urging other nations to do so as well. Yet, in the longer term, as we get further out here, I think we should be dealing in a dialog of, how do we get these lifted on a step-by-step, confidence-building measure?

At the present time, we are in a unilateral sanctions position, and I think we should urge other nations to join us in that statement, but at the same time I want us to start building the confidence and moving away from those if we can't get other nations to join us in this effort.

Mr. WARNER. I would certainly urge that be done because, in reality, we are not here to say who is at fault; both bear a heavy sense of culpability. Unfortunately, India initiated it. I don't know—as time goes on, perhaps there will be an answer—what recourse Pakistan had. Had not the current leadership taken that action, they might well have been either run out of office or forced out of office. So we cannot be unmindful of the political instabilities in these nations and the reality that if one did it, what recourse the other had other than to do it.

Now, two wrongs do not make a right, but I will listen carefully, and I hope that this section does not send a signal of any rigidity as we should be pursuing greater engagement.

I hope the international community would offer to arbitrate the complexity of the Kashmir problem. It has been there for a long time, and very often, an outside, unbiased, objective collection of nations could come in and render some helpful assistance to alleviate that problem, which is an absolute crisis. Talk about human rights and suffering. There is a war taking place every day—shelling, killing—and it must be brought to a stop.

So I wish to associate myself with the remarks of my two colleagues from Kansas and California. I congratulate them. I think it is a very important measure for the Senate to adopt. But I do hope that you will, on your mission, and others will do what we can to increase engagement and provide for solutions.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I appreciate the comments and wisdom of the Senator from Virginia. We are attempting further engagement.

I also want to recognize my colleague from California, Senator FEINSTEIN, who has been a leader in this overall effort, as well as Senator HARKIN and Senator ROBB. The whole Senate, hopefully, will be engaged in this matter.

Mr. President, if no one else seeks to speak—I guess perhaps there is somebody else. I yield the floor.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LEVIN. Mr. President, how much time on our side?

The PRESIDING OFFICER. The Senator has 6 minutes 30 seconds.

Mr. LEVIN. I will not use it all. I just want to congratulate the Senators from California and Kansas for their energy, for their persistence, their efforts. It is a very significant statement for the Senate and, I believe, for the world. The concern that is reflected in this resolution—this amendment now—is very significant in terms of what our fears and concerns are. These tests have not brought security to India and Pakistan; they have brought insecurity to the region. They have made the world a lot less secure place. And now we must both state that and seek to try to put this genie back in the bottle to the extent that those tests have helped to release it.

The modifications are important modifications to make sure this is an evenhanded resolution, which it is, following the tests by the two countries. And our staffs have worked very closely with your two staffs. We wish to thank you again for your efforts in pursuing this, and we hope that this resolution is promptly and totally adopted by this Senate.

Mr. MACK. Mr. President, I rise today to express my concern with the pending amendment.

I deeply regret the circumstances regarding India's decision to detonate nuclear devices. But the increased instability in South Asia has been caused by China's proliferation policies, a U.S. foreign policy which favors China over India, and the licensing of technologies by the United States which enhances China's military capabilities.

So I wonder why we would consider strongly condemning the Indian government—the democratically elected Indian government—for taking legal actions in its perceived self interest. And I further question this amendment occurring on a day in which the Senate could not vote to express our concerns with the reprehensible actions taken by the communist party officials running the People's Republic of China.

Mr. President, India has broken no international laws or agreements by choosing to test nuclear devices, and India is not a known proliferator of weapons or weapons technology. We know, however, that China is a proliferator. Of particular concern is Chinese proliferation of weapons and technologies to Pakistan. But today the Senate will vote to condemn India and fail to vote to condemn China.

India and China went to war in 1962. To this day, China continues to occupy 15,000 square miles of Indian territory

in Ladakh and it claims sovereignty over the entire 35,000 square miles of India's Northeastern most province. The pending amendment rightly points out that India has not joined the Nuclear Nonproliferation Treaty. But the amendment fails to recognize that the NPT seeks to ensure the current five nuclear powers alone are able to possess nuclear weapons. This means that China can maintain its arsenal, but India cannot. India has not signed the Comprehensive Test Ban Treaty for similar reasons.

Mr. President, there appears to be a serious contradiction represented in our foreign policy which makes no sense to me. It is for this reason that I cannot support this amendment and will vote against it. I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I urge adoption of the amendment.

Mr. LEVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2407), as modified, was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the first-degree amendment.

The amendment (No. 2405), as amended, was agreed to.

Mr. BROWNBACK. Mr. President, I just say one final thing. I appreciate the committee working with us, the ranking member and chairman of the committee; I thank them very much.

Mr. LEVIN. Mr. President, I did not hear whether there was a motion to reconsider. If not, I move to reconsider that vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. As I understand, we are due back on this bill at 12 o'clock tomorrow. Is that correct?

The PRESIDING OFFICER. That has not yet been ordered.

Mr. THURMOND. The defense authorization bill.

The PRESIDING OFFICER. It has not yet been ordered.

Mr. THURMOND. Do we anticipate being back at 12 o'clock tomorrow?

The PRESIDING OFFICER. That is the answer to the question.

Mr. THURMOND. I would like for Members who have any amendments to offer to come down and offer these amendments. We have got to push this bill. This is a vital bill. It concerns every citizen in this country. This defense bill is very, very important, and we do not want to be delayed in carrying it on and on. Let's act promptly and show the world that we stand for a strong defense.

I yield the floor.

Mr. LEVIN. Mr. President, let me join the chairman of the committee in urging our colleagues to bring amendments to the floor tomorrow, as we anticipate, when we return to this bill at around noon. We now have removed a major roadblock to considering other amendments, so the floor will be open at that time for other amendments to be considered, and we hope our colleagues will bring those to the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATIONAL SAVINGS AND SCHOOL EXCELLENCE ACT OF 1998—CONFERENCE REPORT

Mr. COVERDELL. Mr. President, I now ask that the Chair lay before the Senate the conference report to accompany H.R. 2646, the Coverdell A+ education bill, and it be considered under the provisions of the earlier consent agreement.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2646), have agreed to recommend and do recommend to their respective Houses this report, signed by majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 15, 1998.)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first I would like to commend the conferees. I would like to commend Chairman ARCHER of the conference committee. I believe they have brought to the Senate, as they did the House, a sweeping education reform proposal that will affect millions upon millions of American children trying successfully to obtain a quality education. They have obtained a bipartisan approach that has been embraced by some of the more distinguished Members of the other side who will speak to this. To paraphrase Senator LIEBERMAN in the press conference at the announcement of the conference report, he said it was clear to him that the Republican leadership had reached out to his party and to the President, and he thought the time had come for their side to reach out as well. And, therefore, we now begin a discussion of the conference report on education reform in the United States.

Mr. President, first I would like to talk, just briefly, about the number of people who will be affected if what is clearly going to pass the Senate with a very strong vote and has passed the House already and will be sent to the President to consider, is signed by the President. In the first case, some 14 million families will open education savings accounts who are the parents of 20 million children. Think about it. That is about half of the school population in kindergarten through high school that would be the beneficiary—half of the school population of the United States. These are precarious times. As we come to a new century, we have a new tool to use to help parents see to the needs of their children.

What has always been amazing to me about this proposal—which the other side has pointed out almost ridiculously, but I will come to that—is that it is a very modest form of tax relief because it allows the interest buildup on these savings accounts to accrue without being taxed so long as the account is used for an educational purpose. The tax relief, therefore, for these education savings accounts over the next 5 years, is a little over $1 billion, $1 billion to $1.3 billion.

What is amazing is how little incentive it takes to make Americans do huge things, because that limited tax relief will cause those 14 million families on behalf of their 20-plus million children to save over $5 billion. Over 10 years it will cause them to save over $12 billion. It is just amazing.

I was just reading a report where the savings rate in the United States has plunged to 3.9 percent, one of the lowest levels in a half a century. So this becomes win/win, because not only does it cause Americans to save, and large sums of money, but it is for education, the Nation's No. 1 problem by everybody's account as we come to the new century.

It does a lot of other things as well. The conference report will help over 1 million students deal with the costs of higher education because it helps qualified State tuition programs and protects them from tax burdens, and that makes them more valuable. Over 1 million students will benefit from this; 21 States already have these plans and 17 have them under consideration. It has a component in the conference report which came out of the Senate Finance Committee, which will help over 1 million employees expand their continuing education. It will help 1 million employees seek continuing education because it will allow employers to spend up to $5,250 on behalf of an employee's continuing education, and it is not seen as taxable income to the employee. So over a million employees will benefit from it.

It has an arbitrage rebate exception for public school bonds, which will help the construction of public schools.

The provision that was inserted in the Finance Committee from Senator GRAHAM, which I believe is a very good provision which would be broader on school construction, did not become a

part of the conference report, I am sorry to say. I hope I will be able to work with the Senator from Florida to expand that at another day.

It includes a provision that was adopted by the Senate with 100 votes, the Reading Excellence Act, which authorizes a literacy program which focuses on training teachers to teach reading with scientifically proven methods like phonics. The House passed similar language unanimously, and the President of the United States endorsed this bill. So here we have a provision that received total bipartisan support and has been endorsed by the President of the United States.

It retains the same-sex school provision of Senator KAY BAILEY HUTCHISON of Texas, which makes it an allowable use of Federal education dollars to fund education reform projects that provide same-gender schools and classrooms as long as comparable educational opportunities are offered for students of both sexes.

It keeps the Senate-passed measure, Teacher Testing Merit Pay, by the Senator from New York; Dollars to the Classroom, which requires 95 percent of Federal education dollars to find their way to the classroom, by the Senator from Arkansas, Senator HUTCHINSON; the Student Improvement Grant Program, offered by the Senator from Idaho, Senator KEMPTHORNE; a multilingualism study, by Senator MCCAIN; and SAFE Schools, by Senator DORGAN.

Mr. President, in deference to the chairman of the Finance Committee, who has now arrived, I yield the floor.

Mr. ROTH. Mr. President, I thank very much the distinguished Senator from Georgia for his courtesy. Let me once again applaud and congratulate him for the leadership he has provided in this matter of education, of helping us to show our parents throughout this country it is within reach financially. I think this legislation would never have reached this point had it not been for his active leadership.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, the Federal Government has a responsibility to promote policies and programs that make quality education accessible to students, to their parents, and to their families. Today, students and parents are under an enormous burden when it comes to paying for education. There is serious and legitimate concern about the accessibility of quality schools and teachers and materials necessary for success.

And costs continue to rise.

With the Taxpayer Relief Act of 1997 we succeeded in helping parents and students prepare for and even offset some of the escalating costs associated with higher education. For example:

We created an education savings IRA to allow parents to save for higher education.

We expanded the tax-deferred treatment of State-sponsored prepaid tuition plans.

We restored the tax deduction on student loan interest.

We extended the tax-free treatment of employer-provided educational assistance.

And, we established tax credits—the HOPE scholarship and the Lifetime Learning Credite—for students to use in connection with their education.

Each of these measures goes a long, long way toward helping our students and their families handle the financial burden associated with college life.

But, Mr. President, we did not go far enough. Personally, I would like to have seen more powerful measures. The Senate version of the Taxpayer Relief Act of 1997 actually contained stronger provisions, but they were dropped as part of the conference agreement.

I firmly believe in those stronger measures and so I introduced them as a separate bill on the very day that we passed the Taxpayer Relief Act. My objective then was the same as it is today—to help American families afford the costs of a quality education.

I proposed to push the education IRA from its $500-a-year limit to $2,000 a year, and to allow withdrawals for elementary and secondary school; to make tax-free treatment of employer-provided educational assistance permanent and to reinstate it for graduate education; and to make State-sponsored prepaid tuition programs tax free, not just tax deferred. These were my objectives as 1997 came to a close, and I am happy to say that we have succeeded in adopting many of them with this bill, the Education Savings and School Excellence Act of 1998.

This bill comes out of the Senate Finance Committee with bipartisan support. As I already indicated, the distinguished Senator from Georgia has played a leading role in helping shepherd this important piece of legislation through the Senate. Our bill allows families to increase their contributions to education IRAs from $500 to $2,000 per year. Not only will the $2,000 per year IRA contributions be available for college, but they can be used for students at any level—from kindergarten all the way through college.

As such, the education IRA will be a tremendous asset to parents and students in grade schools and high schools. The money will be available to help cover the costs associated with both public and private schools. And the money can be used for a multitude of necessities—from buying school uniforms or books to purchasing a new computer.

The bill also makes prepaid tuition programs tax free, meaning that students will be able to withdraw on a tax-free basis the savings that accumulate in their prepaid tuition accounts. Parents will have the incentive to put money away today, and their children will have the full benefit of that money tax free tomorrow.

These innovative proposals will be a boon to higher education—to our students and families. Already, 44 States have prepaid tuition programs in effect.

The other six have legislation to create a State plan, or they have implemented a feasibility study. Such programs will become increasingly more attractive to parents and students, as will individual retirement accounts that allow them to meet the educational needs of their family.

As I have said before, these measures are an important step forward. They are important for our families—for our students—for the future. With this legislation, Congress is demonstrating its leadership on education.

It is a very, very important step in the right direction. And I urge my colleagues to support it.

Again, let me thank my distinguished colleague for his leadership and his courtesy in letting me make my statement at this time.

Mr. COVERDELL. Mr. President, I also extend my thanks to the chairman of the Finance Committee for his untiring support and patience throughout the long deliberations and for his contributions not only to this education program we have before us but in the area of financial relief and encouragement to American families for years and years and years.

Mr. ROTH. Thank you.

Mr. COVERDELL. Mr. President, I am going to yield up to 10 minutes to my distinguished colleague from New Jersey. Let me just say, as the principal cosponsor of this education reform package we now have before the Senate, he has worked tirelessly, and not always under the best of circumstances, and has been a remarkable contributor to both the form and the shape and the final substance of the legislation we now have before us.

I yield up to 10 minutes to my distinguished colleague and friend from New Jersey.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Georgia for yielding me time, but more than that, for his leadership in the course of this Congress to bring to the floor of the Senate, in its final form, the A+ savings accounts.

I also congratulate the conferees for settling what were some real differences in bringing now, in this final form, the A+ savings accounts in such a manner, I believe, that on a bipartisan basis Senators can be both pleased and proud to lend their support in final passage.

Mr. President, upon passage in the Senate of the A+ savings accounts, seven Democratic Senators joined with me in writing the majority leader, expressing our concern that amendments offered by Senator ASHCROFT and Senator GORTON presented some real difficulties to Democratic Members of the Senate in being able to vote for the conference report.

These two amendments would have either prohibited national school testing, which has been a priority of the Clinton administration, or transformed educational funding by the Federal Government into block grants to the States.

Many of us have believed that block granting many of these worthwhile programs would have placed in jeopardy important Federal initiatives in secondary education. And eliminating testing would have prevented milestones in education which the Clinton administration thought were so important.

It is important for Democratic Senators to know both amendments, in an effort to obtain genuine, broad-based bipartisan support, both amendments are not contained in the conference report. The conference report for A+ savings accounts now is the Coverdell-Torricelli bill as originally proposed. That is why I believe, as we are coming to a vote tomorrow, this legislation deserves bipartisan support.

There is nothing here that every Democratic Member of this Senate cannot enthusiastically support and embrace. Indeed, with all respect to my friend, the senior Senator from Georgia, in its purist form this is an idea consistent with Democratic Party philosophies. It is, in fact, everything that President Clinton offered last year with regard to the financing of higher education. Senator COVERDELL is simply now applying that to grade school and secondary school education.

What a simple idea. How basic. American families can save their own money, in their own savings accounts, without taxation, to educate their own children in the school of their choice. What possible argument could anyone have with that proposal? And yet people have found reason to object: first, that it undermines the public schools. On the contrary, not only does it not undermine the public schools, the Joint Committee on Tax is arguing that 70 percent of all of the families who will save money in these accounts for their own children will use it on behalf of public school students. As designed by Senator COVERDELL, this money will be available for afterschool tutoring of public school students, ironically, hiring public schoolteachers, afterschool activities, computers, school supplies, uniforms of public school students.

This does not only not undermine the public school system, it strengthens it by bringing new resources.

The second argument is that, if this is done, it may not hurt the public schools but it is done to help a privileged few. On the contrary; the income limitations used in this legislation of $110,000 to $140,000 are the same the Senate used last year in establishing savings accounts for colleges. It is believed that 75 percent of all the money in these savings accounts will be saved by families with incomes of less than $70,000 a year. This is a middle-income program to help working families educate their children—public or private.

Then the argument is made, maybe it doesn't undermine the public schools, maybe it isn't just for a privileged few, but it doesn't help everybody. It doesn't help everybody. It doesn't help high-income people who are not below the income limitations, and if truth be told, families with no income, the very poor, will not be able to save money.

One warning I received upon entering a career in the U.S. Congress is, never make the perfect the enemy of the good. I know of no legislation in any form, in any endeavor, by any Senator, which helps everybody all the time. Any Senator who comes to this floor looking for that legislation will live a frustrated life in the U.S. Senate.

Suffice it to say, millions of American families, millions of modest background who simply have a child in a public school but would like them to have a home computer, their child is in public school but they would like them to be able to stay in after school and participate in activities that cost money; they are in an urban school but they would like, under mandatory programs, to get their child a school uniform, buy extra books—this program does work for them. And for those 10 percent of American families that send their child to a private school, a parochial school, the yeshiva, because they believe that is best for their circumstances, it helps to ease the burden of their tuition, it is straightforward, it is direct, and, mostly, it is right for the country.

I will concede that, while I enthusiastically support this proposal, this Congress has not been everything it should have been for education. The President challenged the Senate that, from school testing to the reconstruction of our schools to class size, this Congress should have dedicated itself to improving the quality of American education. And it did not. But it has produced this one idea. It may not be the best idea, it is certainly not the only idea, it will not transform American education, but that does not mean it is not a good idea that can help.

I have often believed, in the current state of American education, that everybody has something to offer and there are many good ideas. Everything is defendable in American education except one thing—the status quo. This challenges the status quo. For the first time in a long time, we are opening the possibility that American families can all see themselves as involved again. If you could change one thing, in my judgment, in education today, it would be the belief that families are relevant again to educating their own children. This is no longer simply something in the hands of government, a school board, a union, Washington, or a State capital; we are responsible for the education of our own children.

Senator COVERDELL has established that on every child's birthday, every grandparent, every aunt and uncle, can be relevant again. They can look at a child they care about and, rather than a meaningless toy, rather than some worthless gift, there is an account. Perhaps you would like that child to have a computer, reading materials, participate in afterschool activity; they are struggling in math or science and they would like to have a tutor. Put money in their account, at Christmas or at any time of the year. Let the extended family be involved on the front lines of educating that child.

Beyond that family, when a labor union sits across the table from a great American industrial employer and they have settled on pension benefits and they have settled on health benefits, let that labor union leader have one more question: How about a contribution to the savings account to help educate the children of my membership?

No, it is not going to solve every problem, but we estimate that this proposal will bring $12 billion of private resources to the education of American children. That can't be wrong. It cannot be wrong—$12 billion of new money is now available to help our children in their secondary school education.

If, at the end of the day, its critics are right and all this money is not used for public education or private education but remains in these accounts, then we believe, our critics taken at face value, the worst that could happen is, this money is rolled over into savings accounts for college—meaning that not only will we be provided this option for secondary school education, but the money will then become available for college education—ironically, in accounts established under the leadership of President Clinton and supported on a bipartisan basis in this Senate.

I believe this will pass the Senate. But more significantly, Senator COVERDELL has introduced this Senate into an important and dramatic new debate. We Democrats and Republicans, liberals and conservative, will be in a competition in the redesign of American education. No better opportunity, no more timely debate, could be visited upon this Congress than this new competition. It is important. It is worthwhile. If we succeed, we will redesign American education.

Senator COVERDELL has made a valuable addition in beginning this debate. I congratulate him for it. I look forward tomorrow, when we both will return to this floor, to introduce this final debate in enacting A+ savings accounts.

I yield the floor.

Mr. COVERDELL. Mr. President, before the Senator from New Jersey leaves, there has been no more eloquent spokesperson for these reforms than he.

You alluded, Senator, to the gift from the grandparent, but you introduced the debate with the suggestion this could be a form of union negotiations, which I think it would.

I just want to point out two points: The $12 billion we cite is not a calculation of the first dollar that would come from outside sources, which makes this savings account unique—that a union, a company, a neighborhood, a church, anything, could adopt a child with a savings account. None of that money is in the calculation of the $12 billion, and there is no way to estimate, but I believe it will match ultimately the parents' contribution of the $12 billion.

The second point I make is that those who have more difficulty saving because of their income strata will have these outside sources, which is one of the reasons for the sponsor contributions that will help open those accounts for those families who have more difficulty.

As the Senator said, we will not get to all of them, no, but a lot that otherwise would have no opportunity for one of these kinds of accounts to be opened.

The last thing I mention, you talk about parent involvement. What better reminder to the parent about the condition of the child than when they get that booklet and look at it once a month and get a notice from the savings and loan, or from the bank, that says how much is in the account, how much is building up for Johnny or Susie, once a month or once a quarter? Fourteen million-plus families will be reminded that we have some work to do here. I think the benefits of that cannot be calculated, and that the bonding begins to occur every time one of those accounts is open. I thank the Senator.

I yield up to 10 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I commend Senator TORRICELLI for his comments on this bill and for his efforts, as well, throughout this entire process. I say to my friend, Senator COVERDELL, again, that this would not have happened if it hadn't been for his commitment to this idea, his persistence, and his willingness to, in essence, say it will never end until we pass it. So I commend him for the effort he has made all throughout these months.

This bill will enable working families to keep more of what they earn, and it includes a number of other important education provisions.

My focus during this debate has been on providing every classroom in America with a competent, caring, and qualified teacher. In my opinion, teachers make all the difference in the learning process.

America's classrooms are staffed with many dedicated, knowledgeable, and hard-working teachers. Nevertheless, in classrooms all over America, teachers are being assigned to teach classes for which they have no formal training.

Consider these statistics: Twenty percent of English classes were taught by teachers who did not have at least a minor in English literature, communications, speech, journalism, English education, or reading education. That is one out of five. Twenty-five percent of mathematics classes were taught by teachers without at least a minor in mathematics or mathematics education. That is one out of four. Thirty-nine percent of life sciences or biology classes were taught by teachers without at least a minor in biology or life science. Fifty-six percent of physical science classes were taught by teachers without at least a minor in physics, chemistry, geology, or earth sciences. More than 50 percent of history or world civilization classes were taught by teachers who did not have at least a minor in history. Students in schools with the highest minority enrollments have less than a 50-percent chance of getting a science or mathematics teacher who holds a license and a degree in the field that he or she teaches.

The amendment I introduced, along with Senator D'AMATO, provides incentives for States to test their teachers on the subject matter they teach and to pay their teachers based on merit and proven performance. In light of the statistics I mentioned before, it is clear that teacher testing is necessary and important.

Our amendment passed the Senate by a vote of 63–35, and I am pleased that it is included in this conference report. The Congress should be proud of this bill and the efforts we have made to promote responsible education policy. I hope this bill will receive broad bipartisan support.

Again, I thank the Senator from Georgia for his hard work and dedication on this bill.

I thank the Chair and yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Florida for his contribution to the legislation that passed the Senate and the legislation before us in the conference report. He has made the point repeatedly that the No. 1 tool for effectiveness in a classroom is a teacher. His work, with regard to perfecting who that teacher is, is to be noted. I thank the Senator from Florida.

Mr. President, I now yield up to 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise in support of the conference report to the Educational Savings and School Excellence Act. First of all, before I make my comments, I recognize the leadership of the Senator from Georgia, as my previous colleagues have done. I think he has done a tremendous job in bringing forward the issue of education and what we can do as parents, as Senators, what we can do as school board members, as State legislators, or whatever, to begin to think of innovative ways in which we can improve our educational system. There is no doubt in my mind that we need to have some innovative solutions.

The reason I am supporting this conference report is because this is an innovative approach that involves parents, as well as school board people. It is going to broaden the effort in education. It is going to benefit all schools, whether it is private schools or public schools.

I want to take a few moments to sort of review the history of the A+ accounts. Maybe my colleague has already done that, but I think it is very important that we do that. In doing this, I am going to urge my colleagues to join me in supporting these new opportunities that we are going to be creating for children and their families to receive the best possible education.

Now, reviewing the history a little bit, last year, we authorized educational savings accounts for those individuals who were going to post-secondary education, going on to colleges and vocational schools after graduating from high school. Beginning last June, we introduced this opportunity to more American families by adopting an amendment to the Taxpayer Relief Act, which established education savings accounts. Now, this amendment passed, but it was dropped from the Taxpayer Relief Act bill, due to a veto threat.

Senator COVERDELL's A+ savings account was introduced as a separate bill, and it was passed this spring by a vote of 56–43. I was delighted with the outcome of that vote. Following the recent conference agreement on the Educational Savings and School Excellence Act, I am confident that we have before us a bill that makes sense for all families and children—those who seek private or public education.

The conference report was passed by the House last week, and it is our turn to pass this bill and hand the President a new opportunity to improve education.

I would like to go over a few provisions of the Educational Savings and School Excellence Act, putting forth the A+ accounts. Our legislation increases the dollar amount from $500 to $2,000, the amount that parents can set aside to save for their children's education for both public and private elementary and secondary school expenses.

With the education savings account, the money is never Government money, so issues of Government intervention and the constitutionality of using Government funds for religious schools is not a real argument in this debate.

This bill would empower parents with the financial tools to provide for all of the needs they recognize in their children—needs that teachers or administrators should not be trusted to address in the same way that a parent can.

This bill would allow families, single parents, or anyone earning less than $95,000 annually to deposit up to $2,000 per child in after-tax income into those interest-bearing savings accounts each year.

The option for using these funds are simply endless. Raising a child is expensive—we all know that as parents—

whether the child is attending a private school or a public school. My children happen to have attended public schools and I will be the first to admit that education is expensive. This bill will help parents save for computers, tutoring expenses—if you have a child with special needs—uniforms, transportation—if you are in rural areas and you have special transportation needs out there—SAT prep courses, so they can get ready for higher education, postsecondary education, or even tuition for private schools.

Now I would like to go over a few reasons why I am supporting this legislation. I think this bill is simply good news for all students—especially those in public schools.

This legislation does not ignore any school whatsoever. Numerous provisions have been included to improve public education, as well as private education. It assists smaller schools by increasing the amount of school construction bonds that smaller school districts can use. It provides incentives for public schools to strive for higher academic achievement. It encourages teachers to improve literacy programs by training them to use proven methods, such as phonics. It will help students stay in school by authorizing a national dropout prevention program. To make schools more safe, we have included a provision that allows weapons brought to school to be used as evidence in any internal school disciplinary proceedings.

In addition, the bill includes the provision to make savings in qualified State tuition plans completely tax free. These tuition plans are powerful incentives for parents to save for their children's college education.

My State of Colorado is one of 21 States that has already implemented this kind of program. I can tell you from what I have observed in my State of Colorado, it is catching on, and it is popular.

This bill would free up plan holders from having to pay Federal tax on interest buildup. This means more savings for tuition, room, board, and books or supplies. Tax relief for these plans offers yet one more reason to support this conference report.

This bill is about freedom. It is about education. Let's take a step forward in improving our Nation's education system for all American children. I encourage my colleagues to join me in passing the Education Savings and School Excellence Act today and to support the conference report.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, will the Senator yield?

Mr. ALLARD. I yield to the Senator from Georgia.

Mr. COVERDELL. The Senator was describing the chronology of the account. He hit on a very important point that I want to reinforce. The Senator from New Jersey did it well. That is, last year, with the President's cooperation, Congress initiated and he signed an education savings account that was only $500, and only for higher education. This proposal, according to the description of the Senator from Colorado—which is correct, I might add—says that we will make the $500 go up to $2,000. You can save four times as much. You can use it for higher education or for any grade, kindergarten through high school.

This has taken what we celebrated with bands and celebrations on the White House Lawn last year and made it broader. It is not just $500 for higher education now, it is $2,000. It is not just for higher education, it can be used for kindergarten all the way through high school, or higher education. We use the identical criteria that we used to determine which middle-class families could use it. It is the same.

Am I properly describing the point that the Senator made?

Mr. ALLARD. The Senator has properly described it.

Again, the thing that excites me so much about this particular piece of legislation is, it is for all students. Traditionally, this has always been thought of in terms of postsecondary—actually, through graduation from high school. But now in this particular piece of legislation, we are thinking in terms of kindergarten, first grade, second grade, which gives a lot of flexibility to parents to decide what is the best educational plan for their students, by bringing this plan and incorporating the money that can be used for many, many different purposes. It might be that there is a special-education student out there who needs some special help because of some deficiencies, needs some special help because of deficiencies in hearing or maybe sight; maybe a rural family has some problem with transportation.

This flexibility is going to help education, whether it is private or public schools. I think it is going to improve the general educational effort. The real benefactor in all of this is going to be public education, because it is going to be supportive of what we are already doing in education. It doesn't take away from public education, it adds to it.

I want to compliment the Senator from Georgia on working so very hard on this issue and his leadership. I think it is something that we can all be proud of.

Thank you, Mr. President.

Mr. COVERDELL. I thank the Senator from Colorado.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, just to expand on what the Senator from Colorado said, we talked earlier about the 14 million families that would save up to $12 billion. And those dollars can be used for any educational purpose. As the Senator from Colorado alluded, it can be a computer, it can be a special learning problem that requires special attention, or it can be an afterschool program. I call this money ''smart money.'' What I mean is that this money will ultimately go right to the target of the child's needs. A lot of money in public education can't do that, understandably, with buildings, turning on lights, and paying salaries. But this money will be guided almost like a missile system right to the problem the child has. And it is being guided by those who know best what that problem is—their parents. So the exponential value of this money is much greater than most education dollars can achieve.

Mr. President, I would like to take just a few minutes to sort of underscore why education has become the No. 1 issue in our country and take us back 15 years ago to Secretary Bell, who was President Reagan's first Education Secretary. He had this Department of Education publish a book that became known as ''A Nation At Risk.'' That is the name of the publication. It described a general condition and warned the Nation that we are developing a vast problem in our academic system. But it focused primarily on kindergarten through high school.

It is interesting to look at where we have come since he notified America and the education community that we have a problem.

In that report, ''A Nation At Risk,'' it said international comparisons of student achievement reveal that on 19 academic tests, American students were never first and never second; and, in comparison with other industrialized nations, we were last seven times.

In 1998, 15 years later, a recently released study shows that American 12th graders ranked 19th out of 21 industrialized nations in mathematics and 16th out of 21 in science. In other words, we were never first 15 years ago, we were never second, and we were last seven times. After 15 years of effort, we are 19th out of 21; we are not even close to first or second. And we are 16th out of 21. In other words, we have gone backwards.

Fifteen years ago, 23 million American adults were functionally illiterate, according to the report. And in 1992, 20 percent of the adult population had only rudimentary reading and writing skills. That is going in the wrong direction. Fifteen years ago, 13 percent of all 17-year-olds in the United States were considered functionally illiterate, and functional illiteracy among minority youth may run as high as 40 percent. The literacy level of young adults aged 15 to 21 dropped 11 points from 1984 to 1992, and 25 percent of all 12th graders scored below basics in reading on the 1994 National Assessment of Educational Progress.

Fifteen years ago, ''A Nation At Risk'' reported that between 1975 and 1980 remedial mathematics courses in public 4-year colleges increased 72 percent and then constituted one-quarter—25 percent—of all mathematics

courses taught in these institutions. They were saying, in 4-year colleges, one quarter of all mathematics courses dealt with remedial education. In 1995, 30 percent of first-time college freshmen enrolled in at least one remedial course and 80 percent of all public 4-year universities offered remedial courses.

In other words, Mr. President, in every one of these categories, one after the other, the warning given to us in 1983, 15 years ago, has not caused us—I know it has caused us to spend millions and billions of our dollars, but the point is, as the Senator from New Jersey said a moment ago, the status quo is unacceptable, and the status quo produced results, after having received the warning 15 years ago, that are worse than they were 15 years ago. It is very alarming, the recent study that said only 4 out of 10 students in inner-city schools can now pass a basic math exam, and if you take all the schools and put them together, we get it up to only 6 out of 10.

We cannot accept this. Innovation is being begged for.

If we allow this to continue, for the first time in America—America has never had a caste system. There has always been massive mobility in economic achievement—people on the bottom rung moving up, people on the top moving down. It has been the story of America. But if we keep putting people on the street who cannot read and write, and if we spend another 15 years like we have the last 15, we will produce a permanent economic caste system in the country and we will forever change the nature of this great Republic. We will forever change it if we ever accept a condition by which thousands upon thousands, millions of students come out of high school and cannot effectively read or write.

How much time remains on our side?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Georgia has 1 hour remaining on his side.

Mr. COVERDELL. That cannot be correct. We had 2 hours equally divided, and I think we began at about 5:20. So I would estimate we have about 5 minutes remaining on our side.

The PRESIDING OFFICER. The Senator is correct. Today he has 5 minutes remaining. Tomorrow he has 1 hour.

Mr. COVERDELL. I see. OK. I understand the point. Tomorrow we have another 2 hours equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. I see we have been joined by the distinguished Senator from Massachusetts, who will be arguing the other side, and for his benefit I will go on another several minutes here.

Mr. President, the Senator from Massachusetts will endeavor to infer that this undermines public education, and the Secretary of the administration has inferred as much. It is just absolutely incorrect. Mr. President, 70 percent of the 14 million families, 11 million families who open these accounts will have students in public schools, as the Senator from New Jersey noted. Because they are in public schools at the end of the day and this money is divided, the families who have children in public schools will represent about half the $12 billion that is saved over the next decade, and the families who have children in private schools will save the other half.

That is understandable, because the families who have made a decision to send their child to a private school know they have to save more. But the bottom line is, 70 percent of the families will have kids in public schools, 30 percent in private. Fifty percent of the money will support children in public schools, and 50 percent will support children in private schools or home schools.

The other side will try to infer that this is a voucher. Vouchers are the redistribution of public money. The money going into these savings accounts is aftertax dollars, and the only tax benefit available is that the interest earned would be forgiven of tax so long as the dollars were used for an educational purpose. This is not a voucher.

Several people on the other side have suggested that this is insignificant, that it is not a great amount of money, and they are right. The tax incentive is minimal over the 10-year period, but what is stunning about it is how much it causes these American families to save on their own—new money. No board of education has had to raise the millage rate. There is no new State income tax. There is no new Federal income tax. This is the flow of the volunteer money to help students in public, private, and home schools.

The other side likes to infer from time to time that this only benefits the wealthy. Seventy percent of the money would go to families earning $75,000 or less, and we get into all kinds of arguments over which families are what. But I would only make this point, that the determination of who can open these accounts and who benefits from them is middle class driven, and in this legislation we are discussing in the Chamber right now, the criteria are identical to the criteria that were designed by the other side last year, for what really was a minimal savings account of up to $500 to help families for higher education only. And we have said, well, let's expand that; let's let them at least save $2,000, and let's let them use it for any school year—kindergarten all the way through college; let's give them more opportunity and more flexibility.

But the families involved are identical to the families who celebrated last year on the White House lawn when the President signed legislation that created a $500 savings account just for college. And here we are today, saying, let's make it $2,000 for college or any other grade.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from the great State of Massachusetts.

Mr. KENNEDY. Mr. President, I want to congratulate the Senator from Georgia in bringing the legislation to where it is at the present time out of the conference. I admire his persistence, but I believe he is fundamentally wrong in his approach to education.

I want to just mention very briefly, when I arrived over here, the good Senator was talking about the Nation At Risk report. I was in the Senate when the Nation At Risk study was done. We had very extensive hearings on it. The Nation At Risk was primarily a report done by a superb group of education leaders. While I was listening to my friend from Georgia, I was harkening back to the various recommendations of those who had done that extensive study to which the Senator referred.

The fact of the matter is, the Nation at Risk report authored by a bipartisan commission, made recommendations that mirror the recommendations that were made by the President of the United States this year. With all respect to the Senator from Georgia, there is no reference in there about the tax breaks and voucher programs that he has described. What was recommended in the report is the hard work that has been recommended by, not only the Nation At Risk panel, but most of the educators since that time.

What we need is more and better teachers. This is very important, particularly given the fact we are going to need some 2 million more teachers over the period of the next 10 years. The Nation At Risk commission thought that upgrading the skills of teachers is one of the most important things we can do. They also said that raising standards for children so they will be challenged to meet their highest educational ability, instead of dumbing down the curriculum to the lowest expectations.

The Nation At Risk report recommended that we devote more time for learning. That means afterschool programs and extended day programs. And we know that spending more time on learning works. In my own State of Massachusetts, the Timility Middle School in Roxbury, MA, was long known for its low test scores and high suspension rates for students. Under Project Promise, the school extended learning time by 90 minutes 4 days a week and opened for 3 hours on Saturday. The result is more students receive the help they need, parents are more involved, student attendance is up, student absence is down, reading and math scores have improved—by investing in public schools, not abandoning them.

In addition, there is general recognition that you cannot teach children in antiquated schools or schools that are falling apart—yet so many of the nation's schools are. In fact, the GAO

found that over $100 billion is needed for help and assistance to rebuild and modernize our schools in our cities, suburbs, and rural communities.

But the Coverdell bill will spend $1.6 billion over 10 years. Is that going to solve all of the problems that have been outlined by my friend from Georgia? That is quite a stretch, particularly because it doesn't help the public schools.

The Coverdell bill is not trying to give support for these kinds of initiatives that are facing communities across this country, with many of these children who are sons and daughters of working families who do not have the ability and resources to be able to put aside the money that would be necessary in this program.

In Waltham, MA, 215 math teachers are learning innovative techniques in teacher training programs. They are working with bankers, engineers, high-tech experts, and college math professors to learn more about math, how to teach it well, and how to link it to the real-world experience of the students.

The early indications are that when these teachers go back to their schools, they are seeing improved academic achievement from the students. But under the Coverdell bill, we won't get any kind of help and assistance for these kinds of innovative programs that are taking place. This legislation does nothing to support innovative programs like these. It does nothing to strengthen public schools. Instead, it uses a regressive tax policy to subsidize vouchers for private schools and gives no significant financial help to working families and no help to children in the Nation's classrooms. What it does is provide an unjustified tax giveaway to the wealthy and to private schools.

Public education is one of the great success stories of American democracy. It makes no sense for Congress to undermine it. Yet this bill turns its back on the Nation's longstanding support for public schools and earmarks tax dollars for private schools. It is an unwarranted step in the wrong direction for education, for public schools, and for the Nation's children. It would spend the $1.6 billion over the next 10 years on subsidies to help the wealthy pay the private school expenses they already pay and do nothing to help the children in the public schools get a better education.

It is important to continue the national investment in children and their future. We should invest more in improving public schools by repairing crumbling facilities, by recruiting more and training better teachers, by reducing class size, by developing responsible afterschool activities, and by taking many other steps.

If we add $1.6 billion to spend on elementary and secondary education, we should spend it wisely on these problems, not waste it on bad education policy and bad tax policy. We should rebuild our public schools, not build new tax shelters for the wealthy.

According to the Joint Tax Committee, over half of the benefits—$800 million—will go to 7 percent of the families with children in private schools. Did you note when my friend from Georgia was here he said: 70 percent of the families that can use this tax break will be making under $70,000. But let's find out where the money is going, Senator. We are not just talking about who may be able to use the program. Let's look at what the Joint Tax Committee says. Let's read the next line. Let's ask where the money is going, not who ''may benefit.'' I heard that out here four or five times in the last hour, look who is going to benefit, all of these families below $70,000—''may benefit.'' May benefit. The fact is, the Joint Tax Committee has indicated that $800 million, half of all the money, will go to the 7 percent of families whose children are already in private schools.

If you are going to fight for a particular program, at least have the intellectual honesty to state what it is going to do and try to defend it. I can understand why those who support this program run from all the details, try to really say it's doing something that it does not do. With all respect, when I listen to those who have been supporting the program, I have to wonder how this program is going to solve the education problems for the young people? Proponents use the National at Risk as a starting point, but they, again, don't tell you the next line. The Nation at Risk gave recommendations on how to improve education, but they are not the ones included in the Coverdell bill. Here it is. The Joint Tax Committee: 93 percent of the children in the country go to the public schools; 7 percent go to private schools; and 48 percent of the monetary benefit that will come from here will go to the public schools; but 52 percent—more than half—will go to the 7 percent of the children who go to the private schools.

You can say 70 percent of the families that are eligible for this tax break go to the public schools. But that's not where the money goes. And we all know that where the money goes is what counts around here. The money goes to families who already send their children to private school. We believe that we should not abandon the public schools. We ought to commit ourselves to helping and assisting the public schools and the children who attend them.

The bottom line is clear. The scarce tax dollars should be targeted to public schools. They don't have the luxury of closing their doors to students who pose special challenges, such as children with disabilities, limited English-proficient children, or homeless students. This bill will not help children who need help the most.

Parental choice is a mirage. Private schools apply different rules from public schools. Public schools must accept all children. Private schools can decide whether to accept a child or not. The real choice belongs to schools, not to the parents. It belongs to schools, not to the parents. Public schools must accept all children and develop programs to meet their needs. Private schools only accept children who fit the guidelines of their existing policy. So, if we are talking about public funds that are contributed from working families, we ought to be using those funds where the children of those working families go to school.

And that means supporting the public schools. But the majority of the money goes to the seven percent of families sending their children to private schools.

We have a series of recommendations that have been made by the top education community in this country. They are common-sense recommendations: Smaller classrooms, modernizing schools, upgrading teacher training, and expanding afterschool programs. These have all been outlined here, and they were all rejected on the floor of the U.S. Senate. Then we are asked to accept this bill to support private schools or nothing. We are asked to accept this or nothing.

We even had a modest rehabilitation program by our friend and colleague, the Senator from Florida, Senator GRAHAM, that was dropped in the conference, to try to increase assistance for school construction.

Another program that the President talked about is the Educational Opportunity Zones to provide support to those school districts that are willing to invest in major restructuring, reorganization, and innovation in order to improve student academic achievement. The program provides some incentives for those exciting programs.

You can say, what is an example where that program would work? Chicago is the example for that. Chicago is really doing a very important and effective job to try to give some help and assistance to its schools and to its parents and teachers who are trying to do the job of educating children, to do it right. We recognize that there are many communities that are trying to improve their schools, and we should support them.

I am proud of what the city of Boston is doing, Mr. President. We saw just yesterday the Boston Globe was reporting on the most recent math and reading tests in that city and how, for the first time in many years, there was increased performance of students across the board in reading and math, and in some of the most difficult schools with high suspension rates, dropouts rates—the most troubled schools—how they have been able to see a significant improvement in academic achievement and accomplishment.

That is happening in the public schools among some very needy children in a major city. Why? Because we have had a superintendent and a mayor who are committed to providing resources and discipline to enhance the education of the public schools—not abandon them.

We have nothing against the private schools. There are many wonderful private schools. But we are talking about, in a budget with scarce resources, funds paid in by working families through their taxes. And, in the consideration of the budget, after the President's programs—smaller class size, upgrading the skills for teachers, modernizing our schools, expanding after-school programs—have been defeated, we are forced to consider this program that does what? Benefits the private schools—benefits the private schools.

So, Mr. President, this proposal does not deserve to go into law. The President is right to veto this proposal. He is right to send it back to the Congress and say, ''Start over again. Start over again.'' We have time to do that. We have been fussing around here for 4 weeks debating the tobacco bill and then find that the point of order was made on it. It could have been made 4 weeks earlier in order to dismiss that as a result of big tobacco.

We are not debating the education priorities of the American people. We are not debating the health care priorities of the American people, such as the Patients' Bill of Rights. People in this country want to see the reform of our health care system to eliminate the abuses of HMOs. Managed care too often means mismanaged care. The American people want these decisions made, that are affecting their health, by doctors and not insurance company accountants. We ought to be debating that. But we cannot debate that. It is nowhere on the Republican leader's schedule.

And we ought to start over here, after the President's veto, and debate, what we can do as a legislative body, with scarce resources, that will make the best, most effective impact on improving the quality of education and achievement and accomplishment for the 90 percent of children in the public schools? Public money for public schools—that is the central challenge. And this particular measure fails on all accounts.

So I hope, Mr. President, that we can get about the business in the remaining days of this Congress and support what we know is being done in rural, urban, and suburban communities, with scarce resources, by creative, dedicated people who are absolutely committed to their children in those communities, who are working tirelessly, exhaustively, to raise academic achievement and improve public schools.

Do we have a ways to go? Yes. Will $1.6 billion solve the whole problem? No, and we should invest more—much more—in improving our public schools. But the question for us today is, Is this the best way to spend $1.6 billion of the American taxpayers' dollars to improve public schools? The answer is no. And for that reason, I believe that this measure should not win the support of the Members of this body.

Mr. President, I know we are under a time fix. Whatever time remains on our side I yield to the good Senator from Minnesota.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has 16 minutes 30 seconds.

Mr. WELLSTONE. I thank the Chair.

Mr. President, in the spirit of debate, let me just say to my colleagues on the other side of the aisle that I just do not think this passes the credibility test as an education program for our country.

The PRESIDING OFFICER. If the Senator from Minnesota will yield for a minute, the Chair misspoke. The Senator from Minnesota has approximately 40 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, we are talking about a $1.7 billion initiative, and that is over a period of 5 years. The idea is that you can take $2,000 and you can put it in a special account, education account.

Now, for those who are following this debate, I would ask this question: How many families are in a position to take $2,000 out and put it in a savings account for education? This just kind of misses the essence of the reality of the vast majority of families in this country. And that is why the Joint Tax Committee said that this $1.7 billion, over 5 years, which is touted as a major education program for our children, will amount to about $96 for wealthy parents for private schools, and this bill will give the rest of the parents about $7.

So there is the question as to whether or not we want to take public taxpayer money and put it into private schools, but there is also the question, as my colleague from Massachusetts was focusing on, as to who exactly it is going to benefit.

Mr. President, above and beyond the problem that the vast majority of families get no benefit from this, there is another problem. This is, again, a kind of tax policy; it is not an education program. I will get to that in a moment. And the tax benefits go, by and large, to the wealthiest citizens. I guess this is my Republican colleagues' definition of justice or fairness. But I do not think most of the people in the country agree with that.

Where this proposal, however, I think is really most flawed has to do with what it does in education. I have tried to, to the best of my ability as a Senator from Minnesota, about every 2 weeks, to be in a school teaching somewhere. And I see nothing at all in what my colleagues on the other side of the aisle call an education proposal that deals with the real needs.

Will there be any funding to rebuild crumbling schools? No. And, by the way, let me say this again on the floor of the Senate: I have seen too many schools in the South, in the East, in the North, and in the West, where the ceilings are crumbling, they are asbestos laden, with decrepit toilets, without adequate heating systems; and we are not putting any money to help rebuild these crumbling schools.

I would say the pages who are here, the students—what kind of message do we communicate to students who go to those schools about whether we value them or not? There is not one penny in this legislation that does anything about these crumbling schools. That would really be a commitment to public education.

Is there any funding in this amendment—which is, by the way, pitifully inadequate in the first place—that will do anything to reduce class size? Well, no.

If you were to believe that students know a little bit about their own education—I haven't been to one school anywhere in Minnesota or in the country where when I asked students, What do you think would be some of the best things we could do to make education better for you, that students haven't talked about smaller class sizes. Is there anything in this pitifully inadequate proposal in the first place that deals with reducing class size? No.

By the way, colleagues, I have been to too many high schools where students tell me that they are in classes with 45 students. I was in a Los Angeles meeting with some wonderful high school students. They said, ''Part of the problem is we are not even missed. Nobody even knows we are there.'' The school is so overcrowded, the class size is so large, how can any teacher do a good job with 45 students in a class?

Is there anything here that reduces class size? No. Is there anything here that will help make schools safer? No. Is there anything in this legislation that will help train teachers to use new technologies? No. Is there anything in this piece of legislation that will invest in some funding for summer institutes where teachers can meet, compare notes, fire one another up, talk about new ways of teaching and learning? No. Is there anything in this education proposal, or what my colleagues call an education proposal that deals with the learning gap that tries to come to terms with students, by the time they come to kindergarten they are ready to learn; she knows how to spell her name; she knows the alphabet; he knows colors, shapes and sizes; he has been read to widely, and they have that readiness to learn? No. Is there anything in what is called this education legislation that makes a commitment to early childhood development? No. Is there anything in this legislation that helps working families—after all, as my colleague from Massachusetts said, it is their taxpayer money—is there anything in this legislation that speaks to the ordeal that so many young families go through?

I thought we had made some progress. But we really haven't. When Sheila and I were first married, age 19—I don't advise that, by the way, for everyone; we had our first child when we were barely 20, about a year and a half later, David. We had hardly any money. I do advise it—we have been married 35 years; it can work well. My

point is—as I get myself in more trouble as I speak—we had our child David, and we hardly had any income. After, I think, six weeks, Sheila had to go back to work.

Now we have family medical leave, but it is unpaid leave. If you don't have much money, you have to work. It was a wrenching experience, a wrenching experience to not be able to spend more time with your infant. She had to work, and I was a student and I was working. So then what happens? As it turns out, we look for what we can afford. There was a woman, a child-care giver, and she takes care of children, and we take him to her. We thought she would be good. But then after a couple of days of picking him up and he was just sort of limp, he had no expression in his face, and he had been so lively before, so we don't know what has happened. So I drop by this home in the middle of the day, and I see all these infants in playpens with pacifiers. They are not being picked up. They are not being touched. I felt so guilty I called my mom and dad and said I am going to quit school; I am going to work. I can't have him put in this situation. And we got some help from my parents. They were able to help us. I don't know how they did it on their income.

Do you think that young parents who have the same experience today like the fact that they know they have no other choice but to drop their infant off in a child-care center? They know that maybe the people there aren't real well trained. People make precious little money that are involved in this area, but what choice do they have? They can't afford $12,000 a year if they have two small children.

Is there anything in this piece of legislation or anything my Republican colleagues are doing in this session, in the Senate, that speaks to this question of how parents can do better by their children; how we can make sure that children come to kindergarten, ready to learn? That is a big education initiative. The answer is no. What do we have instead? $1.7 billion over 5 years, amounting to about $7 per family, and that is called a major education initiative?

Is there anything in this piece of legislation that speaks to afterschool care? Let's have some sympathy with parents—single parents or both parents. Do you think parents like the fact that their 11-year-old—it is astounding, and I forget the percentage, how many 11 and 12-year-olds are home alone; it is a very high percentage. Do you think the parents like the fact they both have to work—they have no other choice—in order to have income. Some of them are working two jobs. They don't even have enough time to be with their children at home they are working so hard.

Do you think a person likes the fact that his or her daughter age 11 or age 7, goes home alone and watches trash TV talk shows and eats junk food and there is nobody to take care of them? Do you think a parent likes the fact when we hear so many things that are not so good that happen between 3 o'clock in the afternoon and 6 p.m.—do you think the parents like that? Wouldn't they like to have some really good school programs, some community programs, where their kids could be doing positive things and wouldn't be home alone, and the only reason they are home alone is because both parents have to work? No, they don't like it. So why don't we help these parents with a real education initiative. There is not a thing in this piece of legislation that deals with that at all.

Mr. President, I have to say that this proposal, which is supposed to be the major education initiative of the Republican Party, provides help in inverse relationship to need, does zero for public education, does practically zero for working families, doesn't represent a step forward, but represents a great leap backward. The President is right to veto this piece of legislation. We must start all over again.

I will just say to my colleagues that I think you are playing with fire. You are playing with fire with a piece of legislation that you tout as a major education reform bill that does next to nothing to make sure that we expand educational opportunity for all of our children in our country.

I thought that children were 100 percent of our future. So I want to know, colleagues, where is our commitment to making sure that there is really good care for children before they even get to kindergarten? Where is our commitment to making sure if we are to follow the advice of all these studies that are coming out, all of this medical evidence about the development of the brain, to make sure that children have really good developmental child care? The answer is there is no commitment here. My colleagues in the majority of the Republican Party have no initiative at all.

Where is the commitment to rebuild the crumbling schools and to have the teacher training and to have smaller class size and to make sure that the Internet and all this new technology means that all the schools are wired and teachers know how to work with it and children and young people become literate in this area? The answer is there is no commitment whatsoever.

Mr. President, I have come to the floor to speak against this piece of legislation. I hope my colleagues will vote against it. I hope the President will veto it. Then we must come back to education again.

Colleagues, it is not enough to be giving speeches about this. I apply that to myself, as well. It is not enough to have photo opportunities with small children. We all love to have our pictures taken with children. It is not enough to be in the schools once in a while. And it is not enough to say that young people are our future. If we don't make the commitment, backed by solid legislation, with resources to get to communities so we can do well for all the children in our country, then from my point of view, we will not have been honest. We will not have done all that we should do. By the way, when I say ''honest,'' I don't mean as in personally honest. Senator COVERDELL, the author of this bill, is a friend and I respect him. But I think in terms of the effect of this, it doesn't honestly reach children in our country; it doesn't honestly contribute to public education; it doesn't honestly contribute to the education of the vast majority of young people in the United States of America. Therefore, colleagues ought to vote against it.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator has approximately 30 minutes remaining.

Mr. WELLSTONE. Mr. President, before reserving the balance of our time, I want to just comment on one other matter, which I have tried to speak on every week.

I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JAMES HORMEL

Mr. WELLSTONE. Mr. President, it has been—I am trying to remember now—almost a year since James Hormel was voted out of Foreign Relations Committee by a 16–2 vote. I have said this a number of times on the floor of the Senate, and I want to keep saying it.

James Hormel, I think, is eminently qualified to be Ambassador to Luxembourg. He has a very, very, very distinguished record as an educator, as a businessman, as a philanthropist, and as somebody who has given to many, many communities in our country. I see no reason whatsoever why we do not have an up-or-down vote on this on the floor of the U.S. Senate.

Mr. President, I have said it to colleagues directly. I don't say it indirectly. I want to make terribly sure that the reason Mr. James Hormel's nomination has not been brought to the floor is not because of discrimination against him because of his sexual orientation. I hope that is not the case, but I do believe that we need to have an honest discussion about this nomination. We need to have a full-scale debate, and we need to have an up-or-down vote.

I think we should judge people by the content of their character. I think we should judge people by their vision and by their leadership ability. It is my fervent hope that the majority leader will bring this nomination to the floor. I have said that I am looking for a vehicle—we have things kind of snarled up here right now—on which to bring an amendment out that in one way or another will put an even sharper focus on this question.

I do intend to speak out and I intend to use whatever leverage I have as a Senator to continue to push on this question. If Senators have reasons for objecting to Mr. Hormel's nomination, let them come out here and speak. Let us have an honest debate. If, God forbid, there are objections to him based upon his sexual orientation, then I think the U.S. Senate needs to look at itself in the mirror, because I think we can do better than that.

I yield the floor and reserve the balance of our time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

75TH ANNIVERSARY OF CLEMENT AND JESSIE STONE

Mr. THURMOND. Mr. President, I rise today to mark a special date in the lives of two of my friends, Clement and Jessie Stone, who celebrated their 75th wedding anniversary this past weekend.

Mr. Stone is well known to people throughout the world as a successful executive, a generous philanthropist, and for his writings on topics related to business, management, and positive thinking. Millions of people have read his inspirational books, and his insightful advice on the above topics has changed countless lives for the better. Few people are as well known, well read, or well regarded, as Clement Stone and he can truly be proud of all that he has accomplished in his rich and long life.

Despite his considerable wealth, his many awards and recognitions, and his international fame, I am certain that the one thing Clement Stone values and treasures more than anything else in life is his marriage to his high school sweetheart, a union that has lasted three-quarters of one century. It is almost unheard of for two people to be married for 75-years, but Jessie and Clement have not only done so, but I am told that their affection and regard for one another has not waned one bit since they exchanged vows on June 16, 1923. Without question, they are an inspiration to one and all.

As Clement and Jessie mark this auspicious milestone in their lives and their marriage, they will be doing so with friends and family, including a large number of grandchildren and great grandchildren. I join all of them in wishing the Stones a happy anniversary and many more years of health and happiness.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 22, 1998, the federal debt stood at $5,496,659,912,687.35 (Five trillion, four hundred ninety-six billion, six hundred fifty-nine million, nine hundred twelve thousand, six hundred eighty-seven dollars and thirty-five cents).

Five years ago, June 22, 1993, the federal debt stood at $4,299,889,000,000 (Four trillion, two hundred ninety-nine billion, eight hundred eighty-nine million).

Ten years ago, June 22, 1988, the federal debt stood at $2,526,369,000,000 (Two trillion, five hundred twenty-six billion, three hundred sixty-nine million).

Fifteen years ago, June 22, 1983, the federal debt stood at $1,303,008,000,000 (One trillion, three hundred three billion, eight million).

Twenty-five years ago, June 22, 1973, the federal debt stood at $453,584,000,000 (Four hundred fifty-three billion, five hundred eighty-four million) which reflects a debt increase of more than $5 trillion—$5,043,075,912,687.35 (Five trillion, forty-three billion, seventy-five million, nine hundred twelve thousand, six hundred eighty-seven dollars and thirty-five cents) during the past 25 years.

THE VIOLENT AND REPEAT OFFENDER ACT

Mr. LEAHY. Mr. President, since S. 10 was voted out of the Judiciary Committee almost one year ago, I have spoken on the floor of the Senate and at hearings on numerous occasions to urge its Republican sponsors to work with me in a bipartisan and open manner to improve this juvenile crime bill. Instead of dialogue, the sponsors of this legislation have played games of ''Hide and Seek'' with the revisions they were making to the bill.

I am delighted to see reflected in the brief ''DRAFT'' summary circulated by the sponsors of the bill that they are finally and belatedly making certain changes that they voted down during the Committee's consideration of this bill. The ''devil is in the details'', however, so I and my Democratic colleagues are eager to see the full text of this revised bill.

Unfortunately, the sponsors of this bill were not willing to work with me last year when we would have had a much better chance of moving this important legislation. Now, as we head toward the end of this Congress and still face a number of vital appropriations matters to consider, time is running out to complete action on a juvenile crime bill. Those who will suffer from the dilatory manner in which this bill was handled are the children of this country and America's law enforcement officers and prosecutors who are eager for the additional resources available in this bill.

I am delighted to see that the legislation is being revised to include changes proposed by Democrats that the Republican sponsors previously rejected, including:

Retention of State Presumption to Prosecute Juveniles: The revised S. 10 will apparently preserve the ''presumption in favor of state prosecution'' for juveniles who face concurrent state and federal jurisdiction over the offense committed. This language is clearly based on amendments I and others proposed to avoid the federalization of juvenile crime that has prompted expressions of concern by Chief Justice Rehnquist and the Judicial Conference States have had primary responsibility for handling juvenile cases, and they should continue to do so.

Death Penalty: The new S. 10 apparently would not subject juveniles to the federal death penalty, another policy which Democratic members of the Committee insisted upon during Committee debate. As introduced, S. 10 allowed the imposition of the death penalty for juveniles as young as sixteen.

Increased Flexibility for the Incentive Block Grant program: The strict earmarks in this block grant for building more juvenile facilities, drug testing juveniles and enhancing State recordkeeping systems would have imposed a one-size-fits-all strait jacket on the States. The sponsors of the bill, apparently, have finally recognized how critical it is to provide flexibility to the States because State and local officials are much better able to determine how to reduce juvenile delinquency rates in their own communities.

Revised Recordkeeping Provisions: For over a year, I have repeatedly told my colleagues that no State in the nation would be eligible for S. 10's Incentive Block Grant, since none currently complies with the strict recordkeeping requirements. Moreover, at my request, the Department of Justice conducted a study which concluded that the extensive recordkeeping requirements in this bill would cost States ''hundreds of millions of dollars.'' I urged the authors of this bill to narrow the focus of the recordkeeping to those juveniles who are most likely to be repeat offenders, namely, those who commit acts which would be a felony if committed by an adult. The sponsors have apparently finally heeded these common sense concerns and promise to correct these flaws—even though they voted down amendments I proposed to make these corrections.

Increased Funding for Prosecutors: The sponsors have also finally agreed to double the funds available to prosecutors. It is unfortunate that they refused to work this out in Committee last year so that additional prosecutors could be at work right now.

Improved Sight and Sound Separation Requirement: Last year, I joined with Senators BIDEN and KOHL and other Democrats to urge the adoption of the more protective federal standards for juveniles in State detention facilities but the Republican sponsors of S. 10 rejected these changes to the bill. I am delighted to see that this mean-spirited provision may be modified, and that juveniles held in state facilities will have the same protections from adult inmates as juveniles in federal custody.

Dedicated Prevention Funding: Despite being repeatedly rebuffed when I and my fellow Democrats insisted that prevention programs needed dedicated funding, I am pleased that the sponsors of S. 10 apparently have changed their tune and are promising to dedicate funding to prevention programs. A dedicated fund of $50 million per year is a start.

Revisions to the Federal Firearms Code: I warned my colleagues over a year ago that certain provisions the ''Federal Gang Violence Act,'' incorporated in Title II of S. 10, would lead to the largest increase in the federal regulation of firearms in the history of our nation. No one heeded my advice then, but the sponsors of this bill have apparently finally realized they need to modify these provisions. The revised S. 10 has more than halved the number of firearm offenses that can serve as predicates for gang-related offenses or under the RICO statute.

I remain eager to review the actual text of this revised bill. I also remain hopeful that the sponsors of S. 10 will commit to working openly with me and other Democrats to craft common sense, reasonable approaches to reduce juvenile crime while there is still time in this Congress.

OMNIBUS PATENT ACT OF 1997

Mr. LEAHY. Mr. President, now that we have passed legislation to implement the WIPO copyright treaties, it is time for the Senate to consider another bill of critical importance to America's businesses: The Omnibus Patent Act of 1997, S. 507.

The patent bill has been stalled by Republican holds for over a year. It is time that the Senate turn to it and reform our patent laws. The patent bill was based on a proposal submitted by the Clinton Administration several years ago. It was reported out of the Senate Judiciary Committee on May 22, 1997, with a favorable vote of 17–1 and has the support of every Democrat on the Committee. Its co-sponsors, in addition to myself, include Senators DASCHLE, BINGAMAN, CLELAND, BOXER, HARKIN and LIEBERMAN.

The patent bill would reform the U.S. patent system in important ways. It would slash red tape in the Patent and Trademark Office (PTO); ensure that American inventors are not disadvantaged as compared to foreign inventors by requiring patent applications to be published in the U.S. at the same time they are published abroad; reduce legal fees that are paid by inventors and companies; and require the PTO to develop statewide computer networks with remote library sites to enhance access to electronic patent information for independent inventors and small businesses in rural states.

In Vermont, we have a number of independent inventors and small companies. It is, therefore, especially important to me that this bill be one that helps them just as much as it helps the larger companies. I talked to independent inventors and representatives of smaller companies to see what reforms they recommended. I invited the President of the Vermont Inventors Association to testify before the Senate Judiciary Committee on this bill, and I have tried to make sure that the sound recommendations of small businesses and independent inventors were incorporated in the Hatch-Leahy substitute that the Judiciary Committee reported to the Senate over one year ago.

The White House Conference on Small Businesses, which consists of over 2,000 delegates elected from hundreds of thousands of active small businesses nationwide; the National Association of Women Business Owners; the Small Business Technology Coalition; National Small Business United; the National Venture Capital Association; and the American Small Business Coalition for Patent Reform have concluded that, if enacted, this bill will be of great benefit to small businesses.

What is holding up floor consideration of the bill? I think it is time to debate this bill on the merits. The Senate Republican leadership should schedule prompt action on this important measure.

Our nation's economic prosperity in the coming years will depend on our abilities to invent and protect those inventions through our intellectual property laws. American innovators face global competition, and they need updated laws to continue to lead the world. This modernization of our patent laws is an important component of that essential effort. Along with the legislation the Senate recently approved to implement the WIPO copyright treaties, this bill goes a long way to protecting American ingenuity in the next century. Democrats have been ready to proceed to consider this measure for over a year. With less than 53 legislative days left in this session, I urge the Republican leadership to work with us to schedule action on this important bill.

I ask unanimous consent that a list of letters of support for the patent bill and a few examples from those letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF LETTERS OF SUPPORT OF THE OMNIBUS PATENT ACT OF 1997, S. 507

White House Conference on Small Businesses.

The National Association of Women Business Owners.

The Small Business Technology Coalition.

National Small Business United.

The National Venture Capital Association.

21 Century Patent Coalition—signed by CEOs of 48 American companies.

The Chamber of Commerce of the United States of America.

Pharmaceutical Research and Manufacturers of America, PhRMA.

American Automobile Manufacturers Association.

The Software Publishers Association.

Semiconductor Industry Association.

3M.

IBM.

Intel Corporation.

Caterpillar.

AMP Incorporated.

THE WHITE HOUSE
CONFERENCE ON SMALL BUSINESS,
May 7, 1998.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: The White House Conference on Small Business consists of over 2000 delegates elected from hundreds of thousands of active small businesses nationwide. We are the elected technology chairs of the WHCSB and we are charged with, among other things, representing the interests of small business on matters of intellectual property protection.

The issue of patent reform is one of great concern to small manufacturers and technology enterprises. Over the past two years, we have been working to make modifications to the patent reform bills in both Houses so that they are small-business friendly.

We are pleased to hear that an amendment has been offered addressing our concerns with S. 507. We believe that S. 507, as amended, will lower the litigation costs for small business, make it easier to know what areas of technology are open for innovation, and will go a long way towards giving us a more level playing field vis-a-vis our foreign competitors. We wholeheartedly support passage of the bill and appreciate the attention and support you have given to small business.

Sincerely,

The White House Conference on Small Business Technology Chairs: Pat McDonnell, Region I; Ed Wenger, Region II; Jim Woo, Region II; Bill Budinger, Region III; Wanda Gozdz, Region IV; Rob Risser, Region V; Wayne Barlow, Region VIII; Marianne Hamm, Region IX; Chuck Harlowe, Region X.

NATIONAL ASSOCIATION OF
WOMEN BUSINESS OWNERS,
Silver Spring, June 23, 1998.

Hon. PATRICK J. LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: Attached please find a copy of the April 28 letter sent to Senator Orrin Hatch by NAWBO leadership. This letter expresses the position of NAWBO, on behalf of our membership, regarding S.507 and its impact on small business. The letter contains a series of proposed amendments that NAWBO feels are in the best interest of small business owners and for which we would greatly appreciate your support in the upcoming debate on this legislation.

On behalf of NAWBO members and other small business owners, thank you for your time and efforts regarding this issue. If we may be of further assistance please feel free to contact Debra Hickerson in our national office at (301) 608–2590.

Sincerely,

DIAHANN W. LASSUS, CPA, CFP,
President.

NATIONAL ASSOCIATION OF
WOMEN BUSINESS OWNERS,
Silver Spring, MD, April 28, 1998.

Hon. ORRIN HATCH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: The National Association of Women Business Owners (NAWBO) and its alliance The Small Business Technology Coalition (SBTC) met with the White House Conference on Small Business (WHCSB) Technology Chairs to review S. 507 and its impact on small business. NAWBO supported intellectual property protection as one of the issues at the White House Conference.

The issue of patent reform is one of great concern to small manufacturers and technology enterprises and to all small businesses in general. When a new patent is filed it provides the potential for a new product to come to market. This in turn gives small and medium size businesses the opportunity to be awarded contracts that generate and provide jobs that stimulate our economy.

America's 8 million women business owners are primarily small and medium size companies that generate $2.3 trillion dollars in sales and employ 18.5 million people in the United States. Therefore, in order to insure the growth of the American economy we need to protect our inventors.

It is, therefore, our belief that the proposed series of amendments to S. 507 which if enacted, would make this bill of great benefit to small businesses.

There are three amendments:

1. Title IV—Prior Domestic Commercial Use. We offer an amendment in the form of a substitution. The amendment reorganizes, clarifies and simplifies the wording. The substantive difference is that the amendment removes the opportunity which is presently in S. 507 to use a PDCU defense when the prior user has only made ''effective and serious preparation'' to commercialize the invention. With this section removed, the prior use defense only applies to technology that was actually reduced to practice at least one year prior to the patent priority date and in commercial use before the patent's priority date. With this amendment, PDCU performs its important function of preventing patents from being mis-used to take the property of others.

2. A new title adding language to 102(g)—Section 104 of the existing U.S. patent law arguably allows a foreign inventor to dodge the restrictions that 102(g) places on a U.S. inventor. The suggested change to 102(g) will make it clear that foreign inventors are also subject to the restriction of 102(g) so that they cannot claim priority dates to inventions that they have abandoned, suppressed or concealed.

3. Title I—The make-up of the Management Advisory Board. We add language to ensure that the proportion of representatives on the board from small and large entities reflects their respective proportion of patent applications filed.

With these changes, we believe that S. 507 will lower the litigation costs for small business, make it easier to know what areas of technology are open for innovation, and will go a long way toward giving us a more level playing field vis-a-vis our foreign competitors.

With these changes, we will enthusiastically support S. 507.

Sincerely,

Barbara Kasoff, VP, Public Policy Council; Carol Barrows, Secretary, Public Policy Council; Janie Emerson, Director, Public Policy Council; Joan W. Frentz, Director, Public Policy Council; Terry Neese, NAWBO Corporate and Public Policy Consultant; Judith F. Framan, Director, Public Policy Council; Wanda E. Gozdz, Director, Public Policy Council; E. Jill Pollack, Director, Public Policy Council.

SMALL BUSINESS
TECHNOLOGY COALITION,
Washington, DC, May 7, 1998.

Hon. PATRICK J. LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: The Small Business Technology Coalition is made up of research-intensive, technology-based small business leaders. We serve as a voice for the interests of small high-technology firms both in Washington, DC and throughout the United States.

The issue of patent reform is one of great concern to our members. Since our formation 2 years ago, we have spent a great deal of time examining the various patent bills in both Houses. We have met with several groups including the IPO, 21st Century Patent Coalition, NAM and AIPLA and have come to consensus on issues surrounding the bill.

We understand that an amendment has been offered and believe that S. 507, as amended, will lower the litigation costs for small business, make it easier to know what areas of technology are open for innovation, and will go a long way towards giving us a more level playing field vis-a-vis our foreign competitors. We wholeheartedly support passage of the bill and appreciate the attention and support you have given to small business.

Sincerely,

JAMES T. WOO,
Chairman.

NATIONAL SMALL BUSINESS UNITED,
Washington, DC, May 21, 1998.

Hon. PATRICK J. LEAHY,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: National Small Business United is America's oldest, bipartisan, advocacy association and represents the interests of 65,000 small businesses. Many of our member companies are in the high-technology sector. The issue of patent reform is one of great concern to small manufacturers and technology enterprises. We have worked closely with both the White House Conference on Small Business (WHCSB) Technology Chairs and the Small Business Technology Coalition, and share their views on pending patent reform legislation.

We are pleased to hear that an amendment, incorporating the changes requested by the WHCSB Technology Chairs, has been offered addressing small business concerns with S. 507. We believe that S. 507, as amended, will lower the litigation costs for small business, make it easier to know what areas of technology are open for innovation, and will go a long way towards giving American small business a more level playing field vis-a-vis our foreign competitors.

Again, as a representative of small business who rely on the patent system, NSBU wholeheartedly supports and urges the passage of the bill and appreciates the attention and support you have given to small business.

Sincerely,

TODD MCCRACKEN,
President.

NATIONAL VENTURE
CAPITAL ASSOCIATION,
May 29, 1998.

Hon. RICHARD C. SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SHELBY: Over the past several years the National Venture Capital Association has actively worked to enhance the existing patent term in a manner that would permit biomedical companies to enjoy full 20 year patent protection. In this regard, NVCA has long supported S. 507, the patent reform bill which, in part, would give biomedical companies a greater opportunity to fall within the full 20 year patent protection granted under the GATT/TRIPS law enacted in 1994.

A significant portion of venture capital investments in the United States are made in the biopharmaceutical and medical device fields. In fact, almost one-quarter of the $12 billion invested by venture capitalists last year in emerging companies went into these fields. These companies are the cutting edge of biotechnology and medical innovation. They are giving new and renewed hope for people across virtually the entire spectrum of diseases and afflictions.

To venture capitalists, patents play a fundamental and critical role in the availability of capital and our willingness to invest in biotechnology and medical devices. The reason for such dependency upon patents is that they provide the favorable economics required to justify substantial capital investment for successful product development. The lack of, or the shorter the term of, a patent decreases the attractiveness of a company from the investors' perspective.

S. 507, voted out of the Senate Judiciary Committee on a 17–1 vote, gives the NVCA members the confidence to invest in medical-based companies. The bill is vital to biotechnology patents. NVCA, as well as many in the high technology and inventor communities believe that the few remaining issues can be quickly resolved. Questions regarding contentious matters such as prior user rights can be addressed and debated on the Senate floor through a carefully planned time agreement. Moreover, the prior user rights provision could be modified on the Senate floor to address the concerns of those who still have questions about the provision. However, none of this can be accomplished without an agreement to bring S. 507 to the Senate floor for debate and a vote.

It was unfortunate that S. 507 could not have been part of the highly successful Senate ''Technology Week'' that Majority Leader Lott orchestrated several weeks ago, as S. 507 truly is of concern to the high technology community. Moreover, the overwhelming support witnessed in the House combined with the clear mandate the Senate Judiciary Committee voiced in approving this patent legislation demonstrates the wide and bipartisan support for patent reform.

On behalf of emerging growth companies, we urge you to support S. 507 and work to see that it can be brought to the Senate floor for debate and a vote as soon as possible.

Sincerely,

M. KATHLEEN BEHRENS,
President.

21ST CENTURY
PATENT COALITION,
Washington, DC, October 22, 1997.

Hon. TRENT LOTT,
Senate Majority Leader, Capitol Building, Washington, DC.

DEAR SENATOR LOTT: We, the chief executives of 48 American companies, are writing to express our strong support for S. 507 (Hatch/Leahy), the ''Omnibus Patent Act of 1997'', and to urge you to schedule a vote before the Senate adjourns this fall.

S. 507 makes several major improvements in U.S. patent law that will greatly benefit American companies and inventors. The bill (1) insures at least 17 years of exclusive rights to diligent patent owners, (2) eliminates wasteful duplication of R&D by requiring early publication of patent applications

that are also published in foreign countries, (3) protects investments in processes and factory equipment of American manufacturers by creating a prior user defense, (4) provides a low-cost, speedy alternative to district court litigation by strengthening the Patent and Trademark Office's reexamination procedure, and (5) improves efficiency of the Patent and Trademark Office.

The substance of this bill has been debated in many Congressional hearings since the beginning of the 104th Congress. The House passed a companion bill earlier this year and S. 507 was favorably reported by the Senate Judiciary Committee by a vote of 17 to 1.

S. 507 enjoys strong bipartisan support, despite the substantial misinformation that has surrounded it. It is time for the Senate to vote on this bill, which will strengthen the U.S. economy and keep jobs in America.

Sincerely,

Grant Saviers, Chairman, CEO and President, Adaptec, Inc.; H.A. Wagner, Chairman of the Board, President, and Chief Executive Officer, Air Products and Chemicals, Inc.; John R. Stafford, Chairman, President and Chief Executive Officer, American Home Products Corp.; John I. Shipp, President, Apollo Camera, L.L.C.; Carol Bartz, Chairman, President and CEO, Autodesk, Inc.; Clateo Castellini, Chairman of the Board, President and CEO, Becton, Dickinson and Co.; Donald V. Fites, Chairman and CEO, Caterpillar Inc.; William J. Hudson, President and Chief Executive Officer, AMP Inc.; James C. Morgan, Chairman and Chief Executive Officer, Applied Materials, Inc.; William H. Williams, President and Chief Executive Officer, Bear Creek Corp.; Gregory Bentley, President, Bentley Systems, Inc.; Frank Baldino, Jr., Ph.D., President and CEO, Cephalon, Inc.; Dominique Goupil, President, Claris Corp.; Hans W. Becherer, Chairman and Chief Executive Officer, Deere & Co.; John A. Krol, Chairman and Chief Executive Officer, E. I. du Pont de Nemours and Co.; George M. C. Fisher, Chairman, President, and Chief Executive Officer, Eastman Kadak Co.; Alex Trotman, Chairman of the Board, Ford Motor Co.; Eckhard Pfeiffer, President and CEO, Compaq Computer Corp.; William S. Stavropoulos, President and Chief Executive Officer, The Dow Chemical Co.; Earnest W. Deavenport, Jr., Chairman and Chief Executive Officer, Eastman Chemical Co.; Robert N. Burt, Chairman of the Board and Chief Executive Officer, FMC Corp.; John D. Opie, Vice Chairman, General Electric Co.; Phillip W. Farmer, Chairman and Chief Executive Officer, Harris Corp.; Thomas F. Kennedy, President and Chief Executive Officer, Hoechst Celanese Corp.; Gordon E. Moore, Chairman, Intel Corp.; Richard A. McGinn, President and Chief Executive Officer, Lucent Technologies; William H. Gates, Chairman and Chief Executive Officer, Microsoft Corp.; Lewis E. Platt, Chairman, President, and Chief Executive Officer, Hewlett-Packard Co.; Louis V. Gerstener, Jr., Chairman and Chief Executive Officer, IBM Corp.; Jeff Papows, President, Lotus Development Corp.; William W. George, Chairman and Chief Executive Officer, Medtronic, Inc.; L. D. DeSimone, Chairman of the Board and Chief Executive Officer, Minnesota Mining and Manufacturing Co.; Edward J. Mooney, Chairman and CEO, Nalco Chemical Co.; William C. Steere, Jr., Chairman of the Board and CEO, Pfizer, Inc.; Charles S. Johnson, Chairman, President and CEO, Pioneer Hi-Bred International, Inc.; H.W. Lichtenberger, Chief Executive Officer, Praxair, Inc.; Jeremiah J. Sheehan, Chairman and Chief Executive Officer, Reynolds Metals Co.; Eric Schmidt, Chairman and CEO, Novell, Inc.; W.W. Allen, Chairman of the Board and Chief Executive Officer, Phillips Petroleum Co.; Gary DiGamillo, Chief Executive Officer, Polaroid Corp.; John E. Pepper, Chairman and CEO, Procter & Gamble; Bill Budinger, Chairman and Chief Executive Officer, Rodel, Inc.; Larry Wilson, Chairman and Chief Executive Officer, Rohm and Haas Co.; Scott McNealy, Chairman of the Board of Directors, President and Chief Executive Officer, Sun Microsystems, Inc.; Melvin R. Goodes, Chief Executive Director, Warner-Lambert Co.; Alan F. Shugart, Chairman, Chief Executive Officer, and President, Seagate Technology; William H. Joyce, Chairman and Chief Executive Officer, Union Carbide Corp.; Ernest H. Drew, Chief Executive Officer, Industries and Technology Group, Westinghouse Electric Corp.

MESSAGES FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2411. An act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 3303. An act to authorize appropriations for the Department of Justice for the fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28, United States Code with respect to the use of funds available to the Department of Justice; and for other purposes.

H.R. 4059. An act making appropriations for the military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4060. An act making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

H.J. Res. 113. Joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 288. Concurrent resolution expressing the sense of Congress that the United States should support the efforts of Federal law enforcement agents engaged in investigation and prosecution of money laundering associated with Mexican financial institutions.

The message further announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker appoints the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, and Mr. GILMAN of New York, Vice Chairman, appointed on April 27, 1998: Mr. DREIER, Mr. BARTON, Mr. BALLENGER, Mr. MANZULLO, Mr. BILBRAY, Mr. SANFORD, Mr. HAMILTON, Mr. FILNER, Mr. DELAHUNT, and Mr. REYES.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2411. An act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission; to the Committee on Environment and Public Works.

H.R. 3303. An act to authorize appropriations for the Department of Justice for the fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28, United States Code with respect to the use of funds available to the Department of Justice; and for other purposes; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 288. Concurrent resolution expressing the sense of Congress that the United States should support the efforts of Federal law enforcement agents engaged in investigation and prosecution of money laundering associated with Mexican financial institutions; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times, and placed on the calendar:

H.J. Res. 113. Joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

The following bill was read the second time and ordered placed on the calendar:

H.R. 4059. An act making appropriations for the military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5653. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a financial guarantee for the sale of aircraft to Hainan Airlines in the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–5654. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a financial guarantee for the sale of aircraft to Air Pacific Ltd. of Fiji; to the Committee on Banking, Housing, and Urban Affairs.

EC–5655. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding residue tolerances for the pesticide tebufenozide; to the Committee on Environment and Public Works.

EC–5656. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison of base supply functions at Kirkland Air Force Base, New Mexico; to the Committee on Armed Services.

EC–5657. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison on communications functions at Vandenberg Air Force Base, California; to the Committee on Armed Services.

EC–5658. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report on goods and services provided to the multinational coalition to restore democracy to Haiti; to the Committee on Foreign Relations.

EC–5659. A communication from the Secretary of Agriculture, transmitting, a report on Administration views regarding Committee action on USDA funding and allocations for fiscal year 1999; to the Committee on Appropriations.

EC–5660. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a report of additions and deletions to the procurement list dated June 10, 1998; to the Committee on Governmental Affairs.

EC–5661. A communication from the Chief of Staff, Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of a rule regarding the extension of expiration dates on listings of medical criteria used to determine certain types of disability received on June 19, 1998; to the Committee on Finance.

EC–5662. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Hybrid Arrangements Under Subpart F'' (Notice 98–35) received on June 22, 1998; to the Committee on Finance.

EC–5663. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Low-Income Housing Credit'' (Rev. Rul. 98–31) received on June 22, 1998; to the Committee on Finance.

EC–5664. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Missouri Abandoned Mine Land Reclamation Plan'' [MO–034–FOR) received on June 22, 1998; to the Committee on Energy and Natural Resources.

EC–5665. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Mississippi Regulatory Program'' [MS–014–FOR) received on June 22, 1998; to the Committee on Energy and Natural Resources.

EC–5666. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Virginia Regulatory Program'' (VA–112–FOR) received on June 22, 1998; to the Committee on Energy and Natural Resources.

EC–5667. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Inspection; Growers' Referendum Results'' (Docket TB–97–16) received on June 19, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5668. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Assessment and Apportionment of Administrative Expenses; Technical Change'' (RIN–3052–AB83) received on June 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5669. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Study on Health, Safety, and Equipment Standards for Boxing''; to the Committee on Labor and Human Resources.

EC–5670. A communication from the Chairman of the National Skill Standards Board, transmitting, the annual report for calendar year 1997; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–487. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

SENATE RESOLUTION NO. 216

Whereas, The Delaware River represents one of Pennsylvania's and one of the nation's most important water resources, serving as a water supply for 17 million persons in the states of New York, Pennsylvania, New Jersey and Delaware; and

Whereas, The Delaware River is an interstate stream forming the boundary between states for its entire length of 330 miles; and

Whereas, Two major sections of the Delaware River have been designated under the Wild and Scenic Rivers Act; and

Whereas, The remaining section of the Delaware River has been studied and is now in the process of being designated under the Wild and Scenic Rivers Act; and

Whereas, The Delaware River and the Pennsylvania tributaries serve as a major recreational facility for the large population of the New York/Pennsylvania Metropolitan Area; and

Whereas, The Congress of the United States created the Delaware River Basin Compact (Compact) in recognition of the need to coordinate the efforts of the four states and Federal agencies and to establish a management system to oversee the use of water and related natural resources of the Delaware River Basin; and

Whereas, The Compact was enacted by the legislatures of New York, Pennsylvania, New Jersey, and Delaware and by Congress and was signed into law on September 27, 1961, to provide a mechanism to guide the conservation, development and administration of water resources of the river basin; and

Whereas, The Compact established the Delaware River Basin Commission (Commission) as the agency to coordinate the water resources efforts of the four states and the Federal Government and provided the Commission with authority for management and protection of flood plains, water supplies, water quality, watersheds, recreation, fish and wildlife and cultural, visual and other amenities; and

Whereas, The Commission has provided for equitable treatment of all parties without regards to political boundary; and

Whereas, The Commission includes both the Delaware River and Delaware Bay, which serve the port of Pennsylvania, a port that handles the largest volume of petroleum of all United States' ports; and

Whereas, Sections 3.3 and 3.4 of the Compact specifically provide for the Commission, with the consent of the parties in the matter of state of New Jersey v. state of New York et al. 347 U.S. 995 (1954) to apportion the water to and among the states; and

Whereas, The Commission has successfully negotiated all disputes or conflicts between parties without any appeal to the United States Supreme Court; and

Whereas, Section 13.3 of the Compact calls for the adoption and apportionment of the Commission's annual expense budget among the signatory parties to the Compact; and

Whereas, The United States is a duly constituted signatory party to the Compact; and

Whereas, In fiscal years 1996, 1997 and 1998, the Commission duly submitted its approved budgets to the President's Office of Management and Budget (OMB) and Congress; and

Whereas, The Federal Government failed to provide full funding in fiscal year 1996 and failed to provide any funding in fiscal years 1997 and 1998 for the Commission's current expense budget and has, therefore, not met the funding requirement of section 13.3 of the Compact; and

Whereas, The Commission also has adopted and duly submitted to OMB a current expense budget for fiscal year 1999 that includes an apportionment for the Federal Government in the amount of no dollars; and

Whereas, The fair share apportionment of the Commission's annual expense budget for the Federal Government for fiscal year 1999 is $628,000; and

Whereas, The cumulative shortfall of Federal funding for the Commission since fiscal year 1996 to $1.716 million; and

Whereas, The Commission pays the Federal Government approximately $1.3 million per year to purchase storage in the Blue Marsh and Beltzville multipurpose reservoirs; and

Whereas, The Commission is the agent of Congress in the allocation of the waters of the basin among the signatory states; and

Whereas, The Commission, through its regulations and programs, protects interstate waters and the Delaware Bay and provides a forum for the prevention and settlement of interstate disputes that arise over the use of interstate waters; and

Whereas, Through these interstate functions and many other programs and activities, such as the coordination of the basin flood and drought forecasting and warning system, the Commission saves the Federal Government time, resources and money, thus advancing the welfare of the nation; therefore be it

Resolved, The the Senate of Pennsylvania urge the President of the United States and Congress to provide the Commission with funding in an amount equal to what is owed for the Federal Government's share of the Commission's operating budgets for fiscal years 1996, 1997, 1998 and 1999; and be it further

Resolved, That the Senate of Pennsylvania urge the President of the United States and Congress to fulfill the Federal Government's obligation under the Delaware River Basin Compact to annually contribute the apportioned share of the Commission's future operating budgets; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–488. A resolution adopted by the Senate of the Legislature of the commonwealth of Pennsylvania; to the Committee on Appropriations.

SENATE RESOLUTION NO. 183

Whereas, The Susquehanna River represents one of Pennsylvania's and one of the mid-Atlantic region's most important water resources, draining an area of 27,510 square miles and flowing through the states of New York, Pennsylvania and Maryland; and

Whereas, The Susquehanna River provides 50% of the freshwater flowing to the Chesapeake Bay and is classified by the Federal Government as a navigable waterway, factors which emphasize its significance to state, regional and national interests; and

Whereas, The Congress of the United States created the Susquehanna River Basin compact in recognition of the need to coordinate the efforts of the three states and Federal agencies and to establish a management system to oversee the use of water and related natural resources of the Susquehanna River; and

Whereas, The Compact was enacted by the legislatures of New York State, Pennsylvania and Maryland and Congress and was signed into law on December 24, 1970, to provide a mechanism to guide the conservation, development and administration of the water resources of the river basin; and

Whereas, The Compact established the Susquehanna River Basin Commission as the agency to coordinate the water resources efforts of the three states and the Federal Government and provided the Commission with authority for management and protection of flood plains, water supplies, water quality, watersheds, recreation, fish and wildlife, and cultural, visual and other amenities; and

Whereas, Section 14.3 of the Compact calls for an equitable apportionment of the Commission's annual expense budget among the signatory parties to the Compact; and

Whereas, The United States of America is a duly constituted signatory party to the Compact; and

Whereas, In Fiscal Years 1996, 1997 and 1998, the Commission duly submitted its approved budgets to the President's Office of Management and Budget (OMB) and Congress; and

Whereas, The United States failed to provide full funding in Fiscal Year 1996 and failed to provide any funding in Fiscal Years 1997 and 1998 for the Commission's current expense budget and has therefore not met the ''equitable'' funding requirement of section 14.3 of the Compact; and

Whereas, The Commission also has adopted and duly submitted to OMB a current expense budget for Fiscal Year 1999 that includes an apportionment for the Federal Government in the amount of $400,000; and

Whereas, The cumulative shortfall of Federal funding to the Commission since Fiscal Year 1996 is $1.218 million; and

Whereas, The Commission pays the Federal Government approximately $3.8 million per year to purchase storage in the Cowanesque and Curwensville Flood Control Reservoirs; and

Whereas, The Commission is the agent of Congress in the allocation of the waters of the basin among the signatory states; and

Whereas, The Commission, through its regulations and programs, protects interstate waters and the Chesapeake Bay and provides a forum for the prevention and settlement of interstate disputes that arise over the use of interstate waters; and

Whereas, Through these interstate functions and many other of its programs and activities such as the coordination of the basin flood forecasting and warning system, the Commission saves the Federal Government time, resources and money, thus advancing the welfare of the nation; and

Whereas, On January 15, 1998, the members of the Commission adopted Resolution No. 98–01, authorizing the Commission to offset from payment of moneys made to the Federal Government a sum not to exceed the amount apportioned to the United States in the Commission's officially adopted current expense budget and unpaid by the Federal Government since Fiscal Year 1996; and

Whereas, Resolution No. 98–01 provides that this offset authority will continue in force as long as the United States fails to fund the amount apportioned to the Federal Government in the Commission's current expense budget; and

Whereas, Resolution 98–01 stipulates that the amount to be withheld in the current fiscal year is $1.218 million; therefore be it

Resolved, That the Senate of Pennsylvania support the Commission's decision is withhold from the Federal Government a portion of its reservoir storage payments equal to the amount owed by the Federal Government for its share of the Commission's operating budgets for Fiscal Years 1996, 1997, 1998 and 1999 until such time as the Federal Government provides these funds; and be it further

Resolved, That the Senate of Pennsylvania urge the President of the United States and Congress to provide the Commission with funding in amount equal to what is owed for the Federal Government's share of the Commission's operating budgets for Fiscal Years 1996, 1997, 1998 and 1999; and be it further

Resolved, That the Senate of Pennsylvania urge the President of the United States and Congress to fulfill the Federal Government's obligation under the Susquehanna River Basin Compact to annually contribute an equitably apportioned share of the Commission's future operating budgets, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–489. A resolution adopted by the Council of the City of Miami Springs, Florida relative to renaming the Everglades National Park; to the Committee on Energy and Natural Resources.

POM–490. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 218

Whereas, The Marine Corps' Iwo Jima Memorial honors the marines who fought on that island during WWII; and

Whereas, The memorial depicts six men as they struggle to raise an American flag atop a mountain, signaling defeat to their enemy and hope to their comrades below; and

Whereas, The battle was the most costly in Marine history. The 36 days of fighting led to 25,851 casualties, over a third of the landing force, including more than 1,000 dead per square mile. More Medals of Honor were won on Iwo Jima than during any other battle in United States history. Admiral Nimitz remarked that among the sailors and marines on Iwo Jima, ''uncommon valor was a common virtue''; and

Whereas, The Iwo Jima Memorial may be obscured by an Air Force Memorial—a sprawling 20,000 square-foot, five-story, high-tech, interactive multimedia complex. Such a structure would be appropriate in front of the heavily trafficked Air and Space Museum, the site first approved for the structure; and

Whereas, During National Capital Planning Commission (NCPC) hearings, the location changed abruptly to ground 500 feet in front of the Marines' memorial. Though the NCPC originally noted twice, 7–4 against the site, it reversed its decision in a little-publicized meeting; and

Whereas, The Marine Corps was only informed after the fact. No public hearings were held. The proposal clearly violates a United States law that says, ''A commemorative work shall (not encroach) upon any existing commemorative work.''; therefore be it

Resolved, That the Senate of Pennsylvania urge the Congress of the United States to consider and pass S–1284, HR–3188 or HR–2313, each of which would prohibit future memorials in the area desired by the Air Force; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–491. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1006

A Concurrent Memorial urging the President and the Congress of the United States to refuse to authorize, endorse, ratify or adopt any international treaty or federal designation that would usurp the authority of the states to establish their own environmental standards.

To the President and the Congress of the United States: Your memorialist respectfully represents:

Whereas, the environmental side agreement to the North American Free Trade Agreement (NAFTA) creates the Commission for Environmental Cooperation (CEC), which is charged with promoting sustainable development, encouraging improved pollution prevention policies, enhancing compliance with environmental laws and regulations and facilitating cooperative environmental efforts among the NAFTA parties. A nongovernmental organization has requested the CEC to prepare a report addressing the cumulative effects of groundwater pumping, grazing and mining on the San Pedro River, the San Pedro Riparian National Conservation Area and the wildlife species that live in this southeastern Arizona area. The CEC has agreed to this petition and has undertaken an independent report examining alleged water problems in the San Pedro River watershed; and

Whereas, this study of the San Pedro River watershed does not in any way relate to the trade relations between Canada, Mexico and the United States that are the stated purpose of the NAFTA environmental arm. Further, the Congress of the United States specifically addressed the San Pedro watershed in 1988 when it passed federal legislation establishing the San Pedro Riparian National Conservation Area to protect the riparian habitat and the area's wildlife, scientific, educational and recreational resources; and

Whereas, although the objectives behind NAFTA are sound and the agreement will continue to create tremendous economic opportunity for this state, the NAFTA environmental side agreement, or any other international treaty or negotiation, should not place states' environmental rights under international authority nor override the states' jurisdiction over their own environmental matters. the CEC study and report represent an unnecessary intrusion of an international environmental entity into state matters that excessively limits the use of both private and public lands in this state; and

Whereas, in 1997 President Bill Clinton established, by Executive Order 13061, the American Heritage Rivers Initiative with three objectives, including natural resource

and environmental protection. The initiative requires executive agencies to coordinate federal plans, functions, programs and resources to preserve, protect and restore rivers and their associated resources that are important to our nation's history, culture and natural heritage; and

Whereas, various federal and state authorities are already charged with regulating water resources within the State of Arizona, and numerous grassroots organizations across the nation have been founded to protect and conserve the nation's rivers and watersheds. Designation of additional areas subject to federal involvement in land use management would be unduly restrictive on both the privately and publicly owned land bordering rivers, much of which is already restrictively managed for perceived environmental benefits through designation or proposed designation as wilderness areas, primitive areas, critical habitat or potential habitat for endangered species, conservation areas, areas of critical environmental concern and wild or scenic rivers; and

Whereas, riparian and general conservation efforts are best administered and managed at state or local levels of government, not by an international council or federal entity that is neither familiar with nor affected by the areas in question.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States take any steps within its power to rectify the situation in southeastern Arizona regarding the intrusion by the international CEC into the affairs of the San Pedro River watershed.

2. That the Congress of the United States refuse to ratify or adopt future treaties making the states of this nation subject to international intrusion or authority over states' environmental matters.

3. That the President of the United States not authorize or endorse the designation of any river, watershed or river segment within the State of Arizona as an American Heritage River.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–492. A resolution adopted by the Legislature of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations.

RESOLUTION—

Whereas, The United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC); and

Whereas, Protocol to expand the scope of the FCCC was negotiated in December 1997, in Kyoto, Japan (Kyoto Protocol), requiring the United States to reduce emissions of greenhouse gases by 7% from 1990 levels during the period 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, The Kyoto Protocol would require other major industrial nations to reduce emissions from 1990 levels by 6% to 8% during the period 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, President William J. Clinton pledged on October 22, 1997, that ''The United States will not assume binding obligations (in Kyoto) unless key developing nations meaningfully participate in this effort''; and

Whereas, On July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95–0 expressing the Sense of the Senate that, inter alia, ''the United States should not be signatory to any protocol to, or other agreement regarding, the Framework Convention on Climate Change . . . which would require the advice and consent of the Senate to ratification, and which would mandate new commitments to mitigate greenhouse gas emissions for the Developed Country Parties, unless the protocol or other agreement also mandates specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions for Developing Country Parties''; and

Whereas, Developing nations who are exempt from greenhouse gas emission limitation requirements in the FCCC refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol or other agreements; and

Whereas, The Kyoto Protocol fails to meet the tests established for acceptance of new climate change commitments by President Clinton and by United States Senate Resolution No. 98; and

Whereas, The United States relies on carbon-based fossil fuels for more than 90% of its total energy supply; and

Whereas, Achieving the emission reductions proposed by the Kyoto Protocol would require more than 35% reduction in projected United States carbon dioxide emissions during the period 2008 to 2012; and

Whereas, Developing countries exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuel use over the next two decades and to surpass the United States and other industrialized countries in total emissions of greenhouse gases; and

Whereas, Economic impact studies by the Federal Government estimate that legally binding requirements for the reduction of United States greenhouse gases to 1990 emission levels would result in the loss of more than 900,000 jobs in the United States, sharply increase energy prices, reduce family incomes and wages and cause severe losses of output in energy intensive industries such as aluminum, steel, rubber, chemicals and utilities; and

Whereas, The failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries; and

Whereas, Increased emissions of greenhouse gases by developing countries would offset any environmental benefits associated with emissions reductions achieved by the United States and by other industrial nations; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly memorialize the President of the United States not to sign the Kyoto Protocol; and be it further

Resolved, That in the event he signs the Kyoto Protocol, the President promptly submit the Kyoto Protocol to the Senate of the United States for its timely consideration; and be it further

Resolved, That the Senate of the United States reject any proposed protocol or other amendment to the FCCC that is inconsistent with this resolution or that does not comply fully with United States Senate Resolution No. 98; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–493. A resolution adopted by the Legislature of the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

RESOLUTION—

Whereas, During the 104th Congress, Second Session, H.R. 3328 was introduced in the United States House of Representatives; and

Whereas, The legislation, also referred to as the Collegiate Athletics Integrity Act of 1996, prohibited sports agents from influencing college athletes; and

Whereas, The legislation was not enacted by the Congress of the United States; and

Whereas, In the current session of the 105th Congress, legislation needs to be enacted that will prohibit sports agents from influencing college athletes; and

Whereas, It is appropriate to urge Congress to enact such legislation; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize Congress to enact legislation prohibiting sports agents from influencing college athletes; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–494. A resolution adopted by the Board of Trustees of Worth Township, Illinois relative to a constitutional amendment protecting the American flag; to the Committee on the Judiciary.

POM–495. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 42

Whereas, In many situations, the difficulties facing family farming operations are numerous and challenging. The number of farms has declined steadily for many years, both in Michigan and throughout the entire country. For Black farmers across this nation, however, the obstacles to survival are staggering. Recent investigations through the Congressional Black Caucus and organizations like the National Black Farmers Association have revealed the extent of discrimination against African American farm operations. These civil rights violations were contained in recommendations of a task force within the United States Department of Agriculture; and

Whereas, Access to capital, vital component of any farming operation, has been denied to many Black farmers. When not denied outright, through loans refused and ultimate foreclosures, loans for Black farmers often take far longer to be approved. The result of a delay for a farm loan is often financial ruin; and

Whereas, According to the National Black Farmers Association, the USDA foreclosed on 1,000 Black farms in the last several months. Black farmers are losing land at a rate of 9,000 acres a week. At this rate, according to the chair of the Congressional Black Caucus, Black farms will vanish by the year 2000; and

Whereas, The USDA, through it civil rights study group, has identified specific legislative changes to combat discrimination in its policies and programs. Any delay in implementing needed changes and in revamping the department's response to Black farmers is too long; and

Whereas, In April 1998, the Justice Department ruled that most of the approximately 2,000 cases brought by Black farmers with complaints of discrimination between 1983 and 1996 would expire due to the statute of limitations. It is essential that Congress take actions to enable the federal government to respond appropriately to the legitimate claims of these citizens; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Agriculture to take strong steps to halt all discrimination against Black farmers, to settle pending claims, and to memorialize the Congress of the United States to enact legislation to waive the statute of limitations for the discrimination cases brought against the Department of Agriculture between 1983 and 1996; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Agriculture, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1754. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes (Rept. No. 105–220).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 237. A resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Louis Caldera, of California, to be Secretary of the Army.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Nancy E. Soderberg, of the District of Columbia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations, to which position she was appointed during the last recess of the Senate.

Nancy E. Soderberg, of the District of Columbia, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, to which position she was appointed during the last recess of the Senate.

Vivian Lowery Derryck, of Ohio, to be an Assistant Administrator of the Agency for International Development.

Shirley Elizabeth Barnes, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Federal Campaign Contribution Reports

Nominee: Shirley E. Barnes.

Post: Madagascar.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knolwedge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Self: none.
2. Spouse: not married.
3. Children and Spouses: no children.
4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and spouses: deceased.
7. Sister: none.

Charles Richard Stith, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Nominee: Charles Richard Stith.

Post: Ambassador to Tanzania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knolwedge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Self: $500, 12/7/93, Alan Wheat; $250, 2/17/94, Ted Kennedy.
2. Spouse: $1000, 12/17/96, Clinton/Gore; $100, 10/17/96, Harvey Gant.
3. Children and Spouses: Percy & Mary, none.
4. Parents: Dorothy McLean (Father deceased) none.
5. Grandparents: deceased.
6. Brothers and spouses: deceased.
7. Sisters and spouses: Rebecca Fanning, none.

Eric S. Edelman, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Nominee: Eric Steven Edelman.

Post: Republic of Finland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Self: none.
2. Spouse: Patricia D. Edelman, none.
3. Children and spouses: Alexander, Stephanie, Terence, Robert, none.
4. Parents: Milton and Frederica Edelman, none.
5. Grandparents: Abraham and Molly Edelman (deceased); Abraham and Cecile Aubry (deceased), none.
6. Brothers and spouses: Marc Edelman and Luanne Fisi: $500,[1], 1994, Steve Stockman[2]; $200, 1995, Pat Hallisey[3]; $6,000, 1996, Pat Hallisey; $100, 1996, NRA Victory Fund; $3,200, 1997, Jeff Harrison.[5]

[1] Gifts in Kind.
[2] Congressional Candidate, Texas.
[3] Mayoral Candidate, League City, Texas.
[4] Gifts in Kind.
[5] City Council Candidate, At-Large seat, League City Texas.

7. Sisters and spouses: Alexandra Edelman, none.

Nancy Halliday Ely-Raphel, of the District of Columbia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Nominee: Nancy Halliday Ely-Raphel.

Post: Slovenia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Self: Nancy Ely-Raphel, none.
2. Spouse, N/A.
3. Children and spouses: John Duff Ely, Sigrid Mueller, Robert Duff Ely, Stephanie Joyce Raphel, none.
4. Parents: Margaret Merritt Halliday, Thomas Clarkson Halliday (deceased), none.
5. Grandparents: Thomas Clarkson Halliday, Petranella Halliday (deceased); William John Merritt, Anna M. Merritt (deceased).
6. Brothers and spouses: Thomas Clarkson Halliday III, Brenda Halliday, none.
7. Sisters and spouses: N/A.

Edward L. Romero, of New Mexico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Edward L. Romero, of New Mexico, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Nominee: Ed L. Romero.

Post: U.S. Ambassador to Spain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: see exhibit A.
2. Spouse: see exhibit B.
3. Children and Spouses: see exhibit C.
4. Parents: Isaac Romero (deceased), and Ramona Romero, none.
5. Grandparents: Faustin Romero (deceased), Talpita Romero (deceased); and Lucas Pacheco (deceased), Juanita Pacheco (deceased).
6. Brothers and Spouses: Isaac Romero, none; Jean Malone, none; Randolph Romero, none; and Mary Ann Romero, none.
7. Sisters and Spouses: Elizabeth Martinez, none; and Benjamin Martinez, none.

EXHIBIT A: EDWARD L. ROMERO, FEDERAL CAMPAIGN CONTRIBUTIONS, 1993–PRESENT

Recipient and election	Amount	Date
E. Shirley Baco for Congress (General)	$200	10/21/96
People for Domenici (Primary)	1,000	9/08/95
A Lot of People Who Support Jeff Bingaman (2000 Election) (Primary)	200	8/22/96
Pastor for Arizona (Primary)	1,000	8/02/96
Keefe for Congress 1996 (Primary)	500	07/30/96
John Wertheim for Congress (General)	1,000	03/27/96
Wyden for Senate (General)	500	01/25/96
Senator Gene Green Cong. Campaign (Primary)	500	12/01/95
People for Patty Murray, U.S. Senate Campaign (Primary)	500	07/24/95
Clinton/Gore '96 Primary Comm. (Primary)	1,000	06/14/95
Committee for Congressman Ronald V. Dellums (General)	1,000	10/18/94
Leadership for the Future (Democratic National Comm.) (N/A)	1,000	07/27/94
New Mexicans for Bill Richardson (General)	1,000	07/22/94
Ben Reyes for Congress (Primary)	1,000	02/22/94
Byrne for Congress Committee (Primary)	500	01/05/94
Comm. to Re-Elect Tom Foley (Primary)	1,000	12/23/93
A Lot of People Who Support Jeff Bingaman (1994 Electrion):		
Primary	1,000	06/25/93
General	1,000	06/25/93
Becerra for Congress (Primary)	250	06/07/93
Espy for Congress (Special)	250	03/30/93
Bob Kreuger Campaign (Special)	1,000	03/25/93

EXHIBIT B: CAYETANNA (''TANNA'') ROMERO (SPOUSE), FEDERAL CAMPAIGN CONTRIBUTIONS, 1993–PRESENT

Recipient and election	Amount	Date
New Mexicans for Bill Richardson (General)	$1,000	07/22/94

EXHIBIT B: CAYETANNA (''TANNA'') ROMERO (SPOUSE), FEDERAL CAMPAIGN CONTRIBUTIONS, 1993–PRESENT—Continued

Recipient and election	Amount	Date
People for Domenici (Primary)	1,000	9/08/95
A Lot of People Who Support Jeff Bingaman:		
Primary	1,000	04/04/95
General	1,000	04/08/94

EXHIBIT C: PETER E. HARROD (SON-IN-LAW), FEDERAL CAMPAIGN CONTRIBUTIONS, 1993–PRESENT

Recipient and election	Amount	Date
New Mexicans for Bill Richardson (General)	$500	07/22/94
A Lot of People Who Support Jeff Bingaman (Primary)	60	06/97

ANNA ROMERO HARROD (DAUGHTER), FEDERAL CAMPAIGN CONTRIBUTIONS, 1993–PRESENT

Recipient and election	Amount	Date
New Mexicans for Bill Richardson (General)	$525	07/22/94

EDWARD STEVEN ROMERO (SON), FEDERAL CAMPAIGN CONTRIBUTIONS, 1993–PRESENT

Recipient and election	Amount	Date
New Mexicans for Bill Richardson (General)	$500	07/22/94
Ray Romero Committee, Inc. (Primary)	250	07/06/96
Friends of Eric Serna for Congress (General)	250	04/07/97
People for Pete Domenici (General)	250	09/16/96

William Davis Clarke, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

Nominee: William D. Clarke.

Post: Eritrea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: none.

2. Spouse: Katsuko M. Clarke, none.

3. Children and Spouses: William, Jr., Robert, Christina Armstrong (Anthony), none.

Parents: James B. (deceased), none; and Laura D. Clarke, none.

Grandparents: James N. Clarke and Sophie Clarke (deceased), Jerome Davis and Annie F. Davis (deceased).

6. Brothers and Spouses: James B. Clarke, Jr., none and Valerie C. Clarke, none.

7. Sisters and Spouses: Anne C. Cessaris, none.

George Williford Boyce Haley, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Gambia.

Nominee: George Williford Haley.

Post: Ambassador to The Gambia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: $1,000.00, 1995, Bill Clinton; and $1,000.00, 1995, Bob Dole.

2. Spouse: Doris Haley, $50.00, 1995, Harvey Gantt.

3. Children and Spouses: David and Michelle Haley, none; and Wren and Anne Haley Brown, none.

4. Parents: Simeon and Bertha Palmer Haley (deceased).

5. Grandparents: William and Cynthia Palmer (deceased); and Alexander and Queen Haley (deceased).

6. Brothers and Spouses: Alexander Palmer Haley (deceased); and Julius Cornell Haley, none.

7. Sisters and Spouses: Phillip and Lois Ann Haley Butts, none.

Katherine Hubay Peterson, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Katherine Hubay Peterson.

Post: Ambassador to the Kingdom of Lesotho.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: none.

2. Spouse: (my spouse, Arne M. Peterson, and I separated on December 29, 1996. Our divorce will be final in two to three months): none.

3. Children and Spouses: no children.

4. Parents: Paul Hubay (father), deceased; and Ruth Davey Hubay (mother), none.

5. Grandparents: Frederick Norton Davey and Ruth Johnson Davey (both deceased); and Joseph Hubay and Katherine Melnyk Hubay (both deceased).

6. Brothers and Spouses: none.

7. Sisters and Spouses: Davey Hubay (divorced), none.

Jeffrey Davidow, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Nominee: Jeffrey Davidow.

Post: Mexico.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: none.

2. Spouse: Joan Davidow, none.

3. Children and Spouses: Gwen Davidow, none; and Audrey Davidow, none.

4. Parents: Henrietta Davidow (nee Wurf) (deceased), none, and, Alfred Davidow (deceased), none.

5. Grandparents: Sigmund and Mary Wurf (deceased), none, and Abraham and Sarah Davidow (deceased), none.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Ann Davidow Bornstein, none, and Harvey Bornstein, none.

John O'Leary, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Nominee: John O'Leary.

Post: Ambassador to Chile.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: see attached.

2. Spouse: Patricia Cepeda, see attached.

3. Children and Spouses: Alejandra O'Leary, none, and Gabriela O'Leary, none.

4. Parents: John O'Leary (deceased), and Margaret O'Leary, none.

5. Grandparents: John O'Leary (deceased), Mary O'Leary (deceased); and John Joyce (deceased), Mildred Joyce (deceased).

6. Brothers and Spouses: James and Vicki, Richard, Michael and Deborah and Kevin and Tikva O'Leary, none.

Sisters and Spouses: James and Peggy Powers, none.

ATTACHMENT A

Amount	Date	Donee
		1. John O'Leary
$15	8.9.93	Democratic National Committee
200	5.3.94	Troubh for Congress
500	9.8.95	Baldacci for Congress
1,000	12.30.95	Clinton-Gore '96
500	2.24.96	Baldacci for Congress
500	9.6.96	Allen for Congress
1,000	9.14.96	Brennan for Senate
100	9.14.96	Win in '96
500	11.1.96	Allen for Congress
		2. Patricia Cepeda
500	6.28.94	Andrews for Senate
100	9.30.94	Dutremble for Congress
1,000	12.30.95	Clinton-Gore '96

Michael Craig Lemmon, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Nominee: Michael C. Lemmon.

Post: Republic of Armenia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: none.

2. Spouse: Michele Herout Lemmon, none.

3. Children and Spouses: Alexander M. Lemmon, none.

4. Parents: Virgil J. and Marion O. Lemmon (deceased), none.

5. Grandparents: Virgil J. and Rose Lemmon (deceased), none and Oliver and Helen Bates (deceased), none.

6. Brothers and Spouses: Randi S. and Jackie Lemmon, none; Shawn V. Lemmon, none; and James P. Lemmon, $100, 1996, Democratic National Committee; $25, 1996, Human Rights Campaign Fund.

7. Sisters and Spouses: Marion E. Van Beelan, none; Maura K. Lemmon, none; Ann T. Lemmon, and Harry Gorman, none; Rose-Marie and Rick Baron, none; and Christie M. Lemmon and Jon Lear, none.

Ruldolf Vilem Perina, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Nominee: Rudolf Vilem Perina.

Post: Ambassador to Republic of Moldova.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: none.

2. Spouse: Ethel Hetherington Perina, none.

3. Children and Spouses: Katherine H. Perina, none; and Alexandra H. Perina, none.

4. Parents: Rudolf Perina (father), $30/per year, annual, Republican Nat. Comm.; and Blanka Skopek (mother), $80/per year, annual, Calif. Republican Assembly.

5. Grandparents: Rudolf and Marta Perina, (deceased); Alois and Marie Blecha, (deceased).

6. Brothers and Spouses: none.

7. Sisters and Spouses: none.

Paul L. Cejas, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Nominee: Paul L. Cejas.

Position: Ambassador to Belgium.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee.

1. Self: see attached schedule.

2. Spouse: see attached schedule.

3. Children and Spouses: Pablo L. Cejas, Helene Christianna Cejas, and Anthony A. Merkofsky, Tiffany Herkofsky, see attached schedules.

4. Parents: Pablo F. Cejas (father), deceased, and Olga Moreno (mother), see attached schedule.

5. Grandparents: Herminia Monendaz de Gomez (grandmother), deceased; Irene Alvaron de Cejas (grandmother), deceased; Jesus Gomez Casas (grandfather), deceased; and Dr. Leandro Cejas (grandfather), deceased.

6. Brothers and Spouses: Richard Cejas (Half Brother), no information available.

7. Sisters and Spouses: Nina Pellegrini (Half Sister) and spouse, Mario, see attached schedule.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Amount	Date	Donee
		(PAUL L. CEJAS)
$500	2–17–93	Hastings for Congress
1,000	2–20–93	Senator George Mitchell Campaign (D–ME)
2,000	3–20–93	Democratic Senatorial Campaign Comm.
1,000	3–22–93	George Mitchell Campaign (D–ME)
250	4–27–93	Ileana Ros-Lehtinen Campaign (R–FL)
5,000	5–25–93	Democratic Senatorial Campaign Comm.
5,000	8–3–93	Democratic Senatorial Campaign Comm.
250	9–10–93	Bob Menendez for Congress (D–NJ)
5,000	9–10–93	Democratic Senatorial Campaign Comm.
1,000	12–1–93	Ted Kennedy Campaign (D–MASS)
250	12–1–93	Lincoln Diaz-Balart for Congress (R–FL)
250	12–3–93	Lincoln Diaz-Balart for Congress (R–FL)
1,000	12–9–93	Bob Menendez for Congress (D–NJ)
1,000	5–6–94	Lincoln Diaz-Balart for Congress (R–FL)
500	7–5–94	Peter Deutsch for Congress (D–FL)
1,000	9–22–94	Friends of Jim Cooper
3,110	9–22–94	Democratic Senatorial Campaign Comm.
5,000	10–1–94	Dem. Senatorial Campaign Comm.
1,000	10–1–94	Hugh Rodham Campaign
1,500	1–26–95	Democratic Governors Association
1,000	3–1–95	Gephardt in Congress
1,000	3–23–95	Florida Democratic Party
1,000	6–16–95	Lincoln Diaz-Balart for Congress (R–FL)
1,000	9–13–95	Clinton/Gore '96 Primary Comm.
625	9–18–95	Ros-Lehtinen for Congress
5,000	12–1–95	Senator George Mitchell Campaign (D–ME)
35,000	12–6–95	Democratic National Committee
3,000	12–7–95	Democratic Senatorial Campaign Comm.
1,000	2–23–96	Bill Richardson Congressional Campaign (D)
1,000	3–12–96	Peter Deutsch for Congress (D–FL)
20,000	4–1–96	Democratic Senatorial Campaign Comm.
100,000	4–18–96	DNC Non-Federal Account
500	5–30–96	Friends of Bob Graham (D–FL)
500	8–19–96	Byron for Congress
1,400	8–19–96	Democratic National Committee
600	8–23–96	Victory '96
250	9–9–96	Ileana Ros-Lehtinen Campaign (R–FL)
50,000	10–15–96	Florida Win In '96
1,000	10–22–96	Clinton-Gore/GELAC
5,000	1–14–97	Democratic Senatorial Campaign Comm.
15,000	3–1–97	Florida Victory Fund
1,000	3–4–97	Peter Deutsch for Congress (D–FL)
250	3–4–97	Bob Menendez for Congress (D–NJ)
600	4–16–97	Ileana Ros-Lehtinen Campaign (R–FL)
10,000	10–17–97	Democratic Congressional Campaign
1,000	11–6–97	Lincoln Diaz-Balart for Congress (R–FL)
		(TRUDY CEJAS, WIFE)
1,000	4–23–92	Clinton for President
11,582	3–7–94	Democratic Senatorial Campaign Comm.
1,000	8–30–94	Bill Richardson
100	10–1–94	Hugh Rodham Campaign
5,000	10–1–94	Dem. Senatorial Campaign Comm.
1,000	11–16–94	Democratic National Committee
1,000	9–15–95	Clinton-Gore/GELAC
1,000	2–9–96	Torricelli for US Senate (D–NJ)
10,000	9–25–96	Democratic National Committee

FEDERAL CAMPAIGN CONTRIBUTION REPORT—Continued

Amount	Date	Donee
1,000	10–10–96	Woman's Campaign Fund
1,000	10–22–96	Clinton-Gore/GELAC
1,000	10–22–96	Friends of Bob Graham
250	3–4–97	Bob Menendez for Congress (D–NJ)
600	4–18–97	Ileana Ros-Lehtinen Campaign (R–FL)
500	11–8–97	Lincoln Diaz-Balart for Congress (R–FL)
		(PABLO CEJAS, SON)
1,000	5–30–96	Friends of Bob Graham (D–FL)
1,000	10–22–96	Clinton-Gore/GELAC
		(H. CHRISTIANNE CEJAS, DAUGHTER)
1,000	10–21–96	Friends of Bob Graham (D–FL)
		(TIFFANY MARKOFSKY, STEPDAUGHTER)
1,000	10–21–96	Friends of Bob Graham (D–FL)
		(ANTHONY A. MARKOFSKY, STEPSON)
1,000	10–24–96	Clinton-Gore/GELAC
		(OLGA MORENO, MOTHER)
1,000	10–22–96	Friends of Bob Graham (D–FL)
1,000	10–24–96	Clinton-Gore/GELAC
		NINA PELLEGRINI (HALF SISTER)
1,000	8–26–96	McConnell Senate Committee (R–CA)
		MARIO PELLEGRINI (SPOUSE OF NINA PELLEGRINI)
1,000	1996	McConnell Senate Committee (R–CA)
600	1997	National Republican Senatorial Committee
120	1997	Republican Presidential Task Force

Cynthia Perrin Schneider, of Maryland to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nominee: Cynthia Perrin Schneider.

Post: Ambassador to the Netherlands.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: $1,000, 11/3/96, GELAC Clinton-Gore '96; $1,000, 4/14/96, Women's Leadership Forum; and $1,000, 6/95, Clinton-Gore '96.

2. Spouse: Thomas Jay Schneider, $25, 5/22/94, Friends of Jim Mundy; $1,000, 6/24/94, Friends of Jim Cooper; $1,000, 9/29/94, Friends of Jim Cooper; $250, 10/5/94, Friends of Jim Mundy; $1,000, 10/16/94, Sam Coopersmith for U.S. Senate; $250, 10/18/94, Ben Jones for Congress; $1,000, 10/28/94, Friends of Jim Cooper; $250, 11/6/94, Kelly for Congress; $100, 11/6/94, Friends of Andy Cory; $1,000, 12/26/95, Mark Warner for Senate, $1,000, 6/95, Clinton-Gore '96; $50, 1/13/96, Price for Congress; $700, 8/28/96, Victory '96; $250, 9/26/96, MCDCC (Clinton-Gore); $1,000, 11/3/96, GELAC Clinton-Gore '96; and $50, 5/27/96, Don Mooers for Congress Committee.

3. Children and Spouses: Tommie Perrin Schneider, none; and Samuel Thomas Schneider, none.

4. Parents: Judith N. Doman (mother), $250, 4/11/96, Clinton-Gore '96; Nicholas R. Doman (stepfather), $1,000, 6/25/95, Clinton-Gore '96; $1,000, 12/1/95, Gene R. Nichol for Senate; $750, 9/4/97, Gene R. Nichol for Senate; Anthony L. Perrin (father), $50, 1992, George Bush; Mary Louise Barney Perrin (nickname Lee) (stepmother), none.

5. Grandparents: deceased.

6. Brothers and Spouses: Lee James Perrin, none; and Melissa Britt Perrin, none.

7. Sisters & Spouses: no sisters.

Kenneth Spencer Yalowitz, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Georgia.

Nominee: Kenneth Spencer Yalowitz.

Post: Ambassador to the Republic of Georgia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: none.

2. Spouse: Judith G. Yalowitz, none.

3. Children and Spouses: Andrew S. Yalowitz, none.

4. Parents: Henry and Audrey Yalowitz (both deceased).

5. Grandparents: Abraham and Tillie Socol (both deceased); Mr. and Mrs. Edward Yalowitz (both deceased).

6. Brother and Spouse: Edward (deceased) and Nancy Yalowitz, $200, 3/4/94, John J. Cullerton; $200, 3/10/94, John J. Cullerton; and $500, 5/4/94, Democratic National Committee.

7. Sister and Spouse: Melvin and Geraldine Garbow, $1,000, 1994, $1,000, 1995, $1,000, 1996, $1,000, 1997, and $250, 1998. Arnold and Porter Partners Political Action Committee;

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably a list in the Foreign Service which was printed in full in the RECORD of September 3, 1997, and ask unanimous consent, to save the expenses of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 3, 1997, at the end of the Senate proceedings.)

In the Foreign Service nomination of John M. O'Keefe, which was received by the Senate and appeared in the RECORD of September 3, 1997.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. LEVIN, Ms. MOSELEY-BRAUN, Ms. LANDRIEU, Mr. KENNEDY):

S. 2202. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COVERDELL (for himself and Mr. KYL):

S. 2203. A bill to promote drug-free workplace programs; to the Committee on Small Business.

By Mr. KYL:

S. 2204. A bill to provide for the waiver of fees in the case of certain visas, to modify the schedule for implementation of certain border crossing restrictions, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 2205. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark

Expedition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COATS (for himself, Mr. DODD, Mr. JEFFORDS, and Mr. KENNEDY):

S. 2206. A bill to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEAHY:

S. 2207. A bill to amend the Clayton Act to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

By Mr. FRIST:

2208. A bill to amend title IX for the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. Res. 253. A resolution expressing the sense of the Senate that the United States Department of Agriculture provide timely assistance to Texas farmers and livestock producers who are experiencing worsening drought conditions; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. LEVIN, Ms. MOSELEY-BRAUN, Ms. LANDRIEU, and Mr. KENNEDY):

S. 2202. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

THE PET PROTECTION AND SAFETY ACT OF 1998

● Mr. AKAKA. Mr. President, today I am introducing the Pet Protection and Safety Act of 1998, a bill to close a serious loophole in the Animal Welfare Act.

Congress passed the Animal Welfare Act over 30 years ago to stop the mistreatment of animals and to prevent the sale of family pets for laboratory experiments. Despite the Animal Welfare Act's well-meaning intentions and the enforcement efforts of the Department of Agriculture, the Act routinely fails to provide pets and pet owners with reliable protection against the actions of USDA-licensed Class B animal dealers, also known as ''random source'' dealers.

Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against AIDS, cancer, and a host of life-threatening diseases. Animal research has been, and continues to be, fundamental to advancements in medicine. I am not here to argue whether animals should or should not be used in research; rather, I am addressing the unethical practice of selling stolen pets and stray animals to research facilities.

There are less than 40 ''random source'' animal dealers operating throughout the country who acquire tens of thousands of dogs and cats. Many of these animals are family pets, acquired by so-called ''bunchers'' who resort to theft and deception as they collect animals and sell them to Class B dealers. ''Bunchers'' often respond to ''free pet to a good home'' advertisements, tricking animal owners into giving away their pets by posing as someone interested in adopting the dog or cat. Random source dealers are known to keep hundreds of animals at a time in squalid conditions, providing them with little food or water. The mistreated animals often pass through several hands and across state lines before they are eventually sold by a random source dealer to a research laboratory for $200 to $500 each.

Mr. President, the use of animals in research is subject to legitimate criticism because of the fraud, theft, and abuse that I have just described. Dr. Robert Whitney, former director of the Office of Animal Care and Use at the National Institutes of Health echoed this sentiment when he stated, ''The continued existence of these virtually unregulatable Class B dealers erodes the public confidence in our commitment to appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals.'' While I doubt that laboratories intentionally seek out stolen or fraudulently obtained dogs and cats as research subjects, the fact remains that these animals end up in research laboratories—and little is being done to stop it. Mr. President, it is clear to most observers, including animal welfare organizations around the country, that this problem persists because of random source animal dealers.

The Pet Protection and Safety Act strengthens the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories. At the same time, The Pet Protection and Safety Act preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the Animal Welfare Act. Legitimate sources are USDA-licensed Class A dealers or breeders; municipal pounds that choose to release dogs and cats for research purposes; legitimate pet owners who want to donate their animals to research; and private and federal facilities that breed their own animals. These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand. Furthermore, at least in the case of using municipal pounds, research laboratories could save money since pound animals cost only a few dollars compared to $200 and $500 per animal charged by random animal dealers. The National Institutes of Health, in an effort to curb abuse and deception, has already adopted policies against the acquisition of dogs and cats from random source dealers.

The Pet Protection and Safety Act also reduces the Department of Agriculture's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, hundreds of thousands of dollars are spent on regulating 40 random source dealers. To combat any future violations of the Animal Welfare Act, the Pet Protection and Safety Act increases the penalties under the Act to a minimum of $1,000 per violation.●

By Mr. LEAHY:

S. 2207. A bill to amend the Clayton Act to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

ANTITRUST IMPROVEMENTS ACT OF 1998

● Mr. LEAHY. Mr. President, I know that consumers are becoming more and more concerned about the merger mania that has hit the United States—they see the potential for higher prices to consumers and poorer service as industries become far more concentrated in fewer hands.

I am also concerned about this trend, particularly when mergers take place between incumbent monopolies. Specifically, the mergers among Regional Bell Operating Companies, which continue to have a virtual strangle-hold on the local telephone loop, pose the greatest threat to healthy competition in the telecommunications industry.

Indeed, incumbent telephone companies still control over 99% of the local residential telephone markets. In other words, new entrants have captured less than 1% of local residential phone service.

The Telecommunications Act's promise of competition was a sales pitch that has not materialized to benefit American consumers. Instead of competition, we see entrenchment, megamergers, consolidation and the divvying up of markets. Even Edward Whitacre, Jr., the Chairman and Chief Executive Officer of SBC Communications, testified several weeks ago before the Antitrust Subcommittee that ''The Act promised competition that has not come.''

At a recent judiciary committee hearing on mergers, Alan Greenspan acknowledged that the Act has not lived up to its promises of lower consumer costs and more competition.

Since passage of this law, Southwestern Bell has merged with PacTel into SBC Corporation, and Bell Atlantic has merged with NYNEX. Now, SBC Corporation is seeking to purchase Ameritech. What once had been seven separate local monopolies will soon be

four, with the possibility of more on the horizon. One of my home state newspapers—the Rutland Daily Herald—commented in an editorial that, ''It might even seem as if Ma Bell's corpse is coming back to life.''

I voted against the Telecommunications Act because I did not believe it was sufficiently procompetitive. I raised a number of concerns as that Act was being considered by the Senate. I said in my floor statement on the day the new law passed:

> Mega-mergers between telecommunications giants, such as the rumored merger between NYNEX and Bell Atlantic, or the gigantic network mergers now underway, raise obvious concerns about concentrating control in a few gigantic companies of both the content and means of distributing the information and entertainment American consumers receive. Competition, not concentration, is the surest way to assure lower prices and greater choices for consumers. Rigorous oversight and enforcement by our antitrust agencies is more important than ever to insure that such mega-mergers do not harm consumers.

I am very concerned that this concentration of ownership in the telecommunications industry is currently proceeding faster than the growth of competition. We are seeing old monopolies getting bigger and expanding their reach.

Upon completion of all the proposed mergers among the Bell companies, most of the local telephone lines in the country will be concentrated in the hands of three to four companies. This will affect not only the millions of people who depend on the companies involved for both basic telephone service and increasingly for an array of advanced telecommunications services, but also competition in the entire industry. The Consumers Union recently testified before the Judiciary Committee's Antitrust Subcommittee that the mergers between Regional Bell Operating Companies could lead to even more mega-mergers within this industry.

I know personally that at my farm in Vermont and here at my office in the District of Columbia and at my home in Virginia, I still have only one choice for dial-tone and local telephone service. That ''choice'' is the Bell operating company or no service at all. The current mantra of the industry seems to be ''one-stop shopping.'' But if that stop is at a monopoly that is not competing on price and service, I do not think it is the kind of ''one-stop shopping'' consumers want.

I have been concerned that the distraction of these huge mergers serve only to complicate and delay the companies' compliance with their obligations under the Telecommunications Act to open their networks. That is not good for competition in the local loop. Consolidation is taking precedence over competition. We need to reverse that priority, and make opening up the local loop the focus of the energies of the Bell Operating Companies. Then consolidation, if it happens, would not pose the current risk of creating additional barriers to effective competition.

Big is not necessarily bad. But the Justice Department in the late 1970's worked overtime to divide up the old Ma Bell to assure more competition and provide customers with better service at lower rates. It is ironic that the Telecommunications Act, which was touted as the way to increase competition, is having the reverse effect instead of promoting consolidation among telephone companies.

Before all the pieces of Ma Bell are put together again, Congress should revisit the Telecommunications Act. To ensure competition among Bell Operating Companies and long distance and other companies, as contemplated by passage of this law, we need clearer guidelines and better incentives. Specifically, we should ensure that Bell Operating Companies do not gain more concentrated control over huge percentages of the telephone access lines of this country through mergers, but only through robust competition.

As the Consumers Union recently testified, ''If Congress really wants to bring broad-based competition to telecommunications markets, it must rewrite the Telecommunications Act, giving antitrust and regulatory authorities more tools to eliminate the most persistent pockets of telephone and cable monopoly power.''

Today I am introducing antitrust legislation that will bar future mergers between Bell Operating Companies or GTE, unless the federal requirements for opening the local loop to competition have been satisfied in at least half of the access lines in each State. I look forward to working with my colleagues on this legislation to make the Telecommunications Act live up to some of its promise.

The bill provides that a ''large local telephone company'' may not merge with another large local telephone company unless the Attorney General finds that the merger will promote competition for telephone exchange services and exchange access services. Also, before a merger can take place the Federal Communications Commission must find that each large local telephone company has for at least one-half of the access lines in each State served by such carrier, of which as least one-half are residential access lines, fully implemented the requirements of sections 251 and 252 of the Communications Act of 1934.

The bill requires that each large local telephone company that wishes to merge with another must file an application with the Attorney General and the FCC. A review of these applications will be subject to the same time limits set under the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

The bill also provides that nothing in this Act shall be construed to modify, impair, or supersede the applicability of the antitrust laws of the United States, or any authority of the Federal Communications Commission, or any authority of the States with respect to mergers and acquisitions of large local telephone companies.

The bill is effective on enactment and has no retroactive effect. It is enforceable by the Attorney General in federal district courts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Antitrust Improvements Act of 1998''.

SEC. 2. PURPOSE.

The purpose of this Act is to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition in the telecommunications industry in any case in which certain Federal requirements that would enhance competition are not met.

SEC. 3. RESTRAINT OF TRADE.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end the following new section:

''SEC. 27. RESTRAINT OF TRADE REGARDING TELECOMMUNICATIONS.

''(a) LARGE LOCAL TELEPHONE COMPANY DEFINED.—In this section, the term 'large local telephone company' means a local telephone company that, as of the date of a proposed merger or acquisition covered by this section, serves more than 5 percent of the telephone access lines in the United States.

''(b) RESTRAINT OF TRADE REGARDING TELECOMMUNICATIONS.—Notwithstanding any other provision of law, a large local telephone company, including any affiliate of such a company, shall not merge with or acquire a controlling interest in another large local telephone company unless—

''(1) the Attorney General finds that the proposed merger or acquisition will promote competition for telephone exchange services and exchange access services; and

''(2) the Federal Communications Commission finds that each large local telephone company that is a party to the proposed merger or acquisition, with respect to at least ½ of the access lines in each State served by that company, of which at least ½ are residential access lines, has fully implemented the requirements of sections 251 and 252 of the Communications Act of 1934 (47 U.S.C. 251, 252), including the regulations of the Commission and of the States that implement those requirements.

''(c) REPORT OF THE ATTORNEY GENERAL.—Not later than 10 days after the Attorney General makes a finding described in subsection (b)(1), the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the finding, including an analysis of the effect of the merger or acquisition on competition in the United States telecommunications industry.

''(d) APPLICATION PROCESS.—

''(1) IN GENERAL.—Each large local telephone company or affiliate of a large local telephone company proposing to merge with or acquire a controlling interest in another large local telephone company shall file an application with both the Attorney General and the Federal Communications Commission, on the same day.

''(2) DECISIONS.—The Attorney General and the Federal Communications Commission

shall issue a decision regarding the application within the time period applicable to review of mergers under section 7A of this Act.

''(e) JURISDICTION OF THE UNITED STATES COURTS.—

''(1) IN GENERAL.—The district courts of the United States are vested with jurisdiction to prevent and restrain any mergers or acquisitions described in subsection (d) that are inconsistent with a finding under subsection (b) (1) or (2).

''(2) ACTIONS.—The Attorney General may institute proceedings in any district court of the United States in the district in which the defendant resides or is found or has an agent and that court shall order such injunctive, and other relief, as may be appropriate if—

''(A) the Attorney General makes a finding that a proposed merger or acquisition described in subsection (d) does not meet the applicable condition under subsection (b)(1); or

''(B) the Federal Communications Commission makes a finding that 1 or more of the parties to the merger or acquisition referred to in subsection (b)(2) do not meet the requirements specified in that subsection.''.

SEC. 4. PRESERVATION OF EXISTING AUTHORITIES.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act shall be construed to modify, impair, or supersede the applicability of the antitrust laws, or any authority of the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.), with respect to mergers, acquisitions, and affiliations of large incumbent local exchange carriers.

(b) ANTITRUST LAWS DEFINED.—In this section, the term ''antitrust laws'' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

SEC. 5. APPLICABILITY.

This Act and the amendments made by this Act shall apply to a merger or acquisition of a controlling interest of a large local telephone company (as that term is defined in section 27 of the Clayton Act, as added by section 3 of this Act), occurring on or after the date of enactment of this Act.●

By Mr. FRIST:

S. 2208. A bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research; to the Committee on Labor and Human Resources.

HEALTHCARE QUALITY ENHANCEMENT ACT OF 1998

Mr. FRIST. Mr. President, I rise today to advocate better healthcare for Americans and to introduce legislation strengthening the scientific foundation of healthcare quality improvement efforts. Let me make a few introductory comments before summarizing the ''Healthcare Quality Enhancement Act of 1998.''

First, I want to make it clear: all patients deserve better healthcare quality, not just HMO enrollees as recent discussions have most frequently focused on regarding consumer protections.

All Americans deserve better healthcare. We need healthcare quality improvement that reaches everybody through better healthcare plans, tertiary care centers, fee-for-service solo practices, and all other kinds of patient care.

We should not wait for another movie like the one titled ''As Good as It Gets'' to talk about healthcare quality for 70% percent of employees and 86% of Medicare beneficiaries who are not traditional-HMO enrollees.

Quality of care fundamentally rests on the achievements of biomedical research. We all know that sound science is the best way to improve quality in patient care. All components of the outcome of healthcare can be effectively improved by statistically valid science: health status can be turned around by transplantation when someone's life is in jeopardy due to a diseased organ; social functioning can be improved by shock wave lithotripsy that leads to faster recovery; and patient satisfaction can be better when children with moderate or severe asthma get proper anti-inflammatory treatment.

While being amazed by the promise of new scientific achievements, few patients realize the implications of abundant and growing production in biomedical research.

Over the past 20 years, the number of articles indexed annually in the Medline database of the National Library of Medicine nearly doubled.

Randomized clinical trials are considered sources of the highest quality evidence on the value of a new intervention. Over the past two decades, the number of clinical trials in my own field of cardiology have increased fivefold.

In health services research, 10 times more clinical trials are published today than 20 years ago (e.g., clinical trials comparing inpatient care with outpatient care, trials of physician profiling and other information interventions).

But we are falling short in our success to disseminate our findings and influence practice behavior.

In spite of all these scientific achievements, we cannot further build up biomedical research production for the next millennium if our network for sharing it with practitioners remains on a nineteenth's century level.

The landmark Early Treatment Diabetic Retinopathy Study was published in 1985. This randomized controlled clinical trial validated a scientific achievement almost a decade earlier. The American Diabetes Association published its eye care guidelines for patients with diabetes mellitus in 1988. Today, the national rate for annual diabetic eye exam is still only 38.4%.

There are more scientific discoveries than ever before, but practical introduction of new scientific discoveries does not seem to be much faster today than it was more than 100 years ago. We need to close the gap between what we know and what we do in healthcare. That requires a federal role in sharing information about what works to improve quality.

All Americans want better healthcare and the federal government must respond by offering helpful information on quality, channeling scientific evidence to clinicians, and investing in research on improving health services.

For this reason, today I am introducing legislation to establish the ''Agency for Healthcare Quality'' which builds on the platform of the current Agency for Healthcare Policy and Research, but refocuses it on quality to become the central figure in our efforts to improve the quality of healthcare.

Healthcare quality is a matter of personal preference—it means different things to different people. We all remember when healthcare quality became a political showdown, the low back pain guidelines backfired because they were viewed as an attempt to mandate ''cook book'' medicine, and the Agency for Healthcare Policy and Research had a near death experience.

Over the past three years, since I first came to the United States Senate, I have looked very closely at this agency. The Subcommittee on Public Health and Safety, which I chair, has held three hearings to invite public input on this agency. As a result, this legislation responds to many of the past criticisms of the agency. This legislation will take AHCPR—under a new name—to new heights and will establish it as the center of healthcare quality research for the country.

The new Agency for Healthcare Quality will:

1. promote quality by sharing information. While proven medical advances are made daily, patients are waiting too long to benefit from these discoveries. We must get the science to the people by better sharing of information and more effective dissemination. In addition, the Agency will develop evidence-rating systems to help people in judging the quality of science.

2. build public-private partnerships to advance and share true quality measures. Quality means different things to different people. In collaboration with the private sector, the Agency shall conduct research that can figure out what quality really means to patients and to clinicians, how to measure quality, and what actions can improve the outcome of healthcare.

3. report annually on the state of quality, and cost, of the nation's healthcare. Americans want to know if they receive good quality healthcare. But compared to what? Statistically accurate, sample-based national surveys will efficiently provide reliable and affordable data —without excessive, overly intrusive, and potentially destructive mandatory reporting requirements.

4. aggressively support improved information systems for health quality. Currently, quality measurement too often requires manual chart reviews for such simple data as frequency of procedures, infection rates, or other complications. Improved computer systems will advance quality scoring and facilitate quality-based decision-making in patient treatment.

5. support primary care research, and address issues of access in underserved areas. While most policy discussions this year are targeting managed care, quality improvement is just as important to the solo private practitioner. The Agency's authority is expanded to support healthcare improvement in all types of office practice—not just managed care. The agency shall specifically address quality in rural and other undeserved areas by advancing telemedicine services which share clinical expertise with more patients.

6. facilitate innovation in patient care with streamlined evaluation and assessment of new technologies. Patients should benefit from proven breakthrough technologies sooner, while inefficient methods should be phased out faster. Today, manufacturers and distributors of new technologies face major hurdles in trying to secure coverage. The Medicare technology committee has been particularly criticized for its process. Criteria are unclear, delays are long, and decisions are unpredictable. The Agency will be accessible to both private and public entities for technology assessments and will share information on assessment methodologies.

7. coordinate quality improvement efforts of the government. Most of the many federal healthcare programs today support some kind of health services research and conduct various quality improvement projects. The Agency shall coordinate these many initiatives to avoid disjointed, uncoordinated, or duplicative efforts.

In summary, we need to practice, not just publish, better patient care. We all want to see better quality.

Real improvement can come from progress in health sciences, from promoting innovation in patient care, and from better practical application of new scientific advances. The Agency for Healthcare Quality will focus on overall improvement in healthcare and enable us to judge the quality of care we receive.

Americans want better healthcare and the federal government shall respond by offering helpful information on quality, channeling scientific evidence to clinicians, and investing in research on improving health services.

Mr. President the ''Healthcare Quality Enhancement Act of 1998'' will reduce the gap between what we know and what we do in healthcare. The refocused Agency for Healthcare Quality is the right step forward and I urge my colleagues to support this legislation to improve healthcare for all Americans.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 38, a bill to reduce the number of executive branch political appointees.

S. 71

At the request of Mr. DASCHLE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 505

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 505, a bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 617

At the request of Mr. JOHNSON, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 852

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 971

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

S. 1413

At the request of Mr. LUGAR, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1924

At the request of Mr. MACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1929

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1929, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 1976

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1976, a bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 2017

At the request of Mr. D'AMATO, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2022

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2022, a bill to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

S. 2027

At the request of Mr. BRYAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2027, a bill to clarify the fair tax treatment of meals provided hotel and restaurant employees in nondiscriminatory employee cafeterias.

S. 2130

At the request of Mr. GRAMS, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 2150

At the request of Mr. FRIST, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2150, a bill to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

S. 2151

At the request of Mr. NICKLES, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Arizona (Mr. KYL) were added as cosponsors of

S. 2151, a bill to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 2199

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2199, a bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. D'AMATO, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and other sectors facing market access barriers in Japan.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. KEMPTHORNE), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

SENATE RESOLUTION 237

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 237, a resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

AMENDMENT NO. 2405

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2405 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2405 proposed to S. 2057, supra.

AMENDMENT NO. 2407

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 2407 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. HARKIN, his name was withdrawn as a cosponsor of amendment No. 2407 proposed to S. 2057, supra.

AMENDMENT NO. 2809

At the request of Mr. FEINGOLD, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2809 intended to be proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2832

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2832 intended to be proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2833

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2833 intended to be proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE RESOLUTION 253—EXPRESSING THE SENSE OF THE SENATE RELATIVE TO TEXAS FARMERS WHO ARE EXPERIENCING DROUGHT CONDITIONS

Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 253

Whereas, the statewide economic impact of the drought on Texas agriculture could be more than $1.7 billion in losses, according to the Texas Agricultural Extension Service;

Whereas, the direct loss of income to agricultural producers is $517 million, which will lead to a loss of another $1.2 billion in economic activity for the state;

Whereas, the National Weather Service has reported that all 10 climatic regions in the State of Texas have received below average rainfall from March through May, a critical time in the production of corn, cotton, sorghum, wheat, and forage;

Whereas, the total losses for Texas cotton producers have already reached an estimated $157 million;

Whereas, nearly half of the State of Texas' rangelands as of May 31, 1998, was rated as ''poor'' or ''very poor'' as a result of the lack of rain;

Whereas, the value of lost hay production in the State of Texas will approach an estimated $175 million statewide, leading to an economic impact of $582 million;

Whereas, dryland fruit and vegetable production losses in East Texas have already been estimated at $33 million;

Whereas, the early rains in many parts of Texas produced a large quantity of forage that is now extremely dry and a dangerous source of fuel for wildfires;

Whereas, the Texas Forest Service has indicated that over half the state is in extreme or high danger of wildfires due to the drought conditions.

Resolved, That it is the Sense of the Senate of the United States that the Secretary of Agriculture streamline the drought declaration process to provide necessary relief as quickly as possible; that the Secretary of Agriculture ensure that local Farm Service Agency offices are equipped with full time and emergency personnel in drought-stricken areas to assist producers with disaster loan application packages; that the Secretary of Agriculture instruct the United States Forest Service to assist the State of Texas and the Federal Emergency Management Agency in pre-positioning fire fighting equipment and other appropriate resources in affected Texas counties; that the Secretary of Agriculture authorize haying and grazing on Conservation Reserve Program acreage; that the Secretary of Agriculture convene experts within the Department to develop and implement an emergency plan to help prevent wildfires and to overcome the economic impact of the continuing drought so the Department of Agriculture can provide assistance in a rapid and efficient manner for producers who are suffering from drought conditions.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

LEAHY AMENDMENT NO. 2932

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 232. LANDMINES.

(a) AVAILABILITY OF FUNDS.—(1) Of the amounts authorized to be appropriated in

section 201, $17,200,000 shall be available for activities relating to the identification, adaptation, modification, research, and development of existing and new tactics, technologies, and operational concepts that—

(A) would provide a combat capability that is comparable to the combat capability provided by anti-personnel landmines, including anti-personnel landmines used in mixed mine systems; and

(B) comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) The amount available under paragraph (1) shall be derived as follows:

(A) $12,500,000 shall be available from amounts authorized to be appropriated by section 201(1).

(B) $4,700,000 shall be available from amounts authorized to be appropriated by section 201(4).

(b) STUDIES.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract with each of two appropriate scientific organizations for purposes of identifying existing and new tactics, technologies, and concepts referred to in subsection (a).

(2) Each contract shall require the organization concerned to submit a report to the Secretary and to Congress, not later than one year after the execution of such contract, describing the activities under such contract and including recommendations with respect to the adaptation, modification, and research and development of existing and new tactics, technologies, and concepts identified under such contract.

(3) Amounts available under subsection (a) shall be available for purposes of the contracts under this subsection.

(c) REPORTS.—Not later than April 1 of each of 1999 through 2001, the Secretary shall submit to the congressional defense committees a report describing the progress made in identifying and deploying tactics, technologies, and concepts referred to in subsection (a).

(d) DEFINITIONS.—In this section:

(1) ANTI-PERSONNEL LANDMINE.—The term ''anti-personnel landmine'' has the meaning given the term ''anti-personnel mine'' in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) MIXED MINE SYSTEM.—The term ''mixed mine system'' includes any system in which an anti-vehicle landmine or other munition is constructed with or used with one or more anti-personnel landmines, but does not include an anti-handling device as that term is defined in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

BIDEN AMENDMENT NO. 2933

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to amendment No. 2967 submitted by him to the bill, S. 2057, supra; as follows:

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. NONPROLIFERATION ACTIVITIES.

(A) INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 shall be available for the Initiatives for Proliferation Prevention program.

(b) NUCLEAR CITIES INITIATIVE.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 shall be available for the purpose of implementing the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation (the so-called ''nuclear cities'' initiative).

REID AMENDMENT NO. 2934

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

The provisions of title XXIX are null and void and shall have no effect.

KEMPTHORNE AMENDMENTS NOS. 2935–2936

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2935

On page 348, strike out line 1 and all that follows through page 366, line 13, and insert in lieu thereof the following:

TITLE XXIX—JUNIPER BUTTE RANGE WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Juniper Butte Range Withdrawal Act''.

SEC. 2902. WITHDRAWAL AND RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Juniper Butte Range, Idaho, referred to in subsection (c), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Materials Act of 1947 (30 U.S.C. 601–604).

(b) RESERVED USES.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Air Force for—

(1) a high hazard training area;

(2) dropping non-explosive training ordnance with spotting charges;

(3) electronic warfare and tactical maneuvering and air support;

(4) other defense-related purposes consistent with the purposes specified in paragraphs (1), (2), and (3), including continued natural resource management and environmental remediation in accordance with section 2916;

(c) SITE DEVELOPMENT PLANS.—Site development plans shall be prepared prior to construction; site development plans shall be incorporated in the Integrated Natural Resource Management Plan identified in section 2909; and, except for any minimal improvements, development on the withdrawn lands of any facilities beyond those proposed and analyzed in the Air Force's Enhanced Training in Idaho Environmental Impact Statement, the Enhanced Training in Idaho Record of Decision dated March 10, 1998, and the site development plans shall be contingent upon review and approval of the Idaho State Director, Bureau of Land Management.

(d) GENERAL DESCRIPTION.—The public lands withdrawn and reserved by this section comprise approximately 11,300 acres of public land in Owhyee County, Idaho, as generally depicted on the map entitled ''Juniper Butte Range Withdrawal-Proposed'', dated June 1998, that will be filed in accordance with section 2903. The withdrawal is for an approximately 10,600-acre tactical training range, a 640-acre no-drop target site, four 5-acre no-drop target sites and nine 1-acre electronic threat emitter sites.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the effective date of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map or maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) INCORPORATION BY REFERENCE.—Such maps and legal description shall have the same force and effect as if included in this title.

(c) CORRECTION OF ERRORS.—The Secretary of the Interior may correct clerical and typographical errors in such map or maps and legal description.

(d) AVAILABILITY.—Copies of such map or maps and the legal description shall be available for public inspection in the office of the Idaho State Director of the Bureau of Land Management; the offices of the managers of the Lower Snake River District, Bruneau Field Office and Jarbidge Field Office of the Bureau of Land Management; and the Office of the Commander, Mountain Home Air Force Base, Idaho. To the extent practicable, the Secretary of the Interior shall adopt the legal description and maps prepared by the Secretary of the Air Force in support of this Title.

(e) The Secretary of the Air Force shall reimburse the Secretary of the Interior for the costs incurred by the Department of the Interior in implementing this section.

SEC. 2904. AGENCY AGREEMENT

The Bureau of Land Management and the Air Force have agreed upon additional mitigation measures associated with this land withdrawal as specified in the ''ENHANCED TRAINING IN IDAHO Memorandum of Understanding Between The Bureau of Land Management and The United States Air Force'' that is dated June ——, 1998. This agreement specifies that these mitigation measures will be adopted as part of the Air Force's Record of Decision for Enhanced Training in Idaho. Congress endorses this collaborative effort between the agencies and directs that the agreement be implemented; provided, however, that the parties may, in accordance with the National Environmental Policy Act of 1969, as amended, mutually agree to modify the mitigation measures specified in the agreement in light of experience gained through the actions called for in the agreement or as a result of changed military circumstances; provided further, that neither the agreement, any modification thereof, nor this section creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

SEC. 2905. RIGHT-OF-WAY GRANTS.

In addition to the withdrawal under section 2902 and in accordance with all applicable laws, the Secretary of the Interior shall process and grant the Secretary of the Air Force rights-of-way using the Department of the Interior regulations and policies in effect at the time of filing applications for the one-quarter acre electronic warfare threat emitter sites, roads, powerlines, and other ancillary facilities as described and analyzed in the Enhanced Training in Idaho Final Environmental Impact Statement, dated January 1998.

SEC. 2906. INDIAN SACRED SITES.

(a) MANAGEMENT.—In the management of the Federal lands withdrawn and reserved by

this title, the Air Force shall, to the extent practicable and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the integrity of such sacred sites. The Air Force shall maintain the confidentiality of such sites where appropriate. The term ''sacred site'' shall mean any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the Air Force of the existence of such a site. The term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law No. 103–454, 108 Stat. 4791, and ''Indian'' refers to a member of such an Indian tribe.

(b) CONSULTATION.—Air Force officials at Mountain Home Air Force Base shall regularly consult with the Tribal Chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation to assure that tribal government rights and concerns are fully considered during the development of the Juniper Butte Range.

SEC. 2907. ACTIONS CONCERNING RANCHING OPERATIONS IN WITHDRAWN AREA.

The Secretary of the Air Force is authorized and directed to, upon such terms and conditions as the Secretary of the Air Force considers just and in the national interest, conclude and implement agreements with the grazing permittees to provide appropriate consideration, including future grazing arrangements. Upon the conclusion of these agreements, the Assistant Secretary, Land and Minerals Management, shall grant rights-of-way and approvals and take such actions as are necessary to implement promptly this title and the agreements with the grazing permittees. The Secretary of the Air Force and the Secretary of the Interior shall allow the grazing permittees for lands withdrawn and reserved by this title to continue their activities on the lands in accordance with the permits and their applicable regulations until the Secretary of the Air Force has fully implemented the agreement with the grazing permittees under this section. Upon the implementation of these agreements, the Bureau of Land Management is authorized and directed, subject to the limitations included in this section, to terminate grazing on the lands withdrawn.

SEC. 2908. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) IN GENERAL.—Except as provided in section 2916(d), during the withdrawal and reservation of any lands under this title, the Secretary of the Air Force shall manage such lands for purposes relating to the uses set forth in section 2902(b).

(b) MANAGEMENT ACCORDING TO PLAN.—The lands withdrawn and reserved by this title shall be managed in accordance with the provisions of this title under the integrated natural resources management plan prepared under section 2909.

(c) AUTHORITY TO CLOSE LAND.—If the Secretary of the Air Force determines that military operations, public safety, or the interests of national security require the closure to public use of any road, trail or other portion of the lands withdrawn by this title that are commonly in public use, the Secretary of the Air Force may take such action; Provided, that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. During closures, the Secretary of the Air Force shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(d) LEASE AUTHORITY.—The Secretary of the Air Force may enter into leases for State lands with the State of Idaho in support of the Juniper Butte Range and operations at the Juniper Butte Range.

(e) PREVENTION AND SUPPRESSION OF FIRE.—

(1) The Secretary of the Air Force shall take appropriate precautions to prevent and suppress brush fires and range fires that occur within the boundaries of the Juniper Butte Range, as well as brush and range fires occurring outside the boundaries of the Range resulting from military activities.

(2) Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Air Force may obligate funds appropriated or otherwise available to the Secretary of the Air Force to enter into contracts for firefighting.

(3)(A) The memorandum of understanding under section 2910 shall provide for the Bureau of Land Management to assist the Secretary of the Air Force in the suppression of the fires described in paragraph (1).

(B) The memorandum of understanding shall provide that the Secretary of the Air Force reimburse the Bureau of Land Management for any costs incurred by the Bureau of Land Management under this paragraph.

(f) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.), the Secretary of the Air Force may use, from the lands withdrawn and reserved by this title, sand, gravel, or similar mineral material resources of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs of the Juniper Butte Range.

SEC. 2909. INTEGRATED NATURAL RESOURCE MANAGEMENT PLAN.

(a) REQUIREMENT.—

(1) Not later than 2 years after the date of enactment of this title, the Secretary of the Air Force shall, in cooperation with the Secretary of the Interior, the State of Idaho and Owyhee County, develop an integrated natural resources management plan to address the management of the resources of the lands withdrawn and reserved by this title during their withdrawal and reservation under this title. Additionally, the Integrated Natural Resource Management Plan will address mitigation and monitoring activities by the Air Force for State and Federal lands affected by military training activities associated with the Juniper Butte Range. The foregoing will be done cooperatively between the Air Force and the Bureau of Land Management, the State of Idaho and Owyhee County.

(2) Except as otherwise provided under this title, the integrated natural resources management plan under this section shall be developed in accordance with, and meet the requirements of, section 101 of the Sikes Act (16 U.S.C. 670a).

(3) Site development plans shall be prepared prior to construction of facilities. These plans shall be reviewed by the Bureau of Land Management for Federal lands and State of Idaho for State lands for consistency with the proposal assessed in the Enhanced Training in Idaho Environmental Impact Statement. The portion of the site development plans describing reconfigurable or replacement targets may be conceptual.

(b) ELEMENTS.—The integrated natural resources management plan under subsection (a) shall—

(1) include provisions for the proper management and protection of the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title and for the use of such resources in a manner consistent with the uses set forth in section 2902(b);

(2) permit livestock grazing at the discretion of the Secretary of the Air Force in accordance with section 2907 or any other authorities relating to livestock grazing that are available to that Secretary;

(3) permit fencing, water pipeline modifications and extensions, and the construction of aboveground water reservoirs, and the maintenance and repair of these items on the lands withdrawn and reserved by this title, and on other lands under the jurisdiction of the Bureau of Land Management; and

(4) otherwise provide for the management by the Secretary of Air Force of any lands withdrawn and reserved by this title while retained under the jurisdiction of that Secretary under this title.

(c) PERIODIC REVIEW.—The Secretary of the Air Force shall, in cooperation with the Secretary of the Interior and the State of Idaho, review the adequacy of the provisions of the integrated natural resources management plan developed under this section at least once every 5 years after the effective date of the plan.

SEC. 2910. MEMORANDUM OF UNDERSTANDING.

(a) REQUIREMENT.—The Secretary of the Air Force, the Secretary of the Interior, and the Governor of the State of Idaho shall jointly enter into a memorandum of understanding to implement the integrated natural resources management plan required under section 2909.

(b) TERM.—The memorandum of understanding under subsection (a) shall apply to any lands withdrawn and reserved by this title until their relinquishment by the Secretary of the Air Force under this title.

(c) MODIFICATION.—The memorandum of understanding under subsection (a) may be modified by agreement of all the parties specified in that subsection.

SEC. 2911. MAINTENANCE OF ROADS.

The Secretary of the Air Force shall enter into agreements with the Owyhee County Highway District, Idaho, and the Three Creek Good Roads Highway District, Idaho, under which the Secretary of the Air Force shall pay the costs of road maintenance incurred by such districts that are attributable to Air Force operations associated with the Juniper Butte Range.

SEC. 2912. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in subsection 2908(f), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Juniper Butte Range in accordance with the Act of February 28, 1958 (known as the Engle Act; 43 U.S.C. 155–158).

SEC. 2913. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with the provision of section 2671 of title 10, United States Code.

SEC. 2914. WATER RIGHTS.

(a) LIMITATION.—The Secretary of the Air Force shall not seek or obtain any water rights associated with any water pipeline modified or extended, or above ground water reservoir constructed, for purposes of consideration under section 2907.

(b) NEW RIGHTS.—

(1) Nothing in this title shall be construed to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title.

(2) Nothing in this title shall be construed to authorize the appropriation of water on the lands withdrawn and reserved by this title by the United States after the date of enactment of this title unless such appropriation is carried out in accordance with the laws of the State of Idaho.

(c) APPLICABILITY.—This section may not be construed to affect any water rights acquired by the United States before the date of enactment of this title.

SEC. 2915. DURATION OF WITHDRAWAL.

(a) TERMINATION.—

(1) Except as otherwise provided in this section and section 2916, the withdrawal and reservation of lands by this title shall, unless extended as provided herein, terminate at one minute before midnight on the 25th anniversary of the date of the enactment of this title.

(2) At the time of termination, the previously withdrawn lands shall not be open to the general land laws including the mining laws and the mineral and geothermal leasing laws until the Secretary of the Interior publishes in the Federal Register an appropriate order which shall state the date upon which such lands shall be opened.

(b) RELINQUISHMENT.—

(1) If the Secretary of the Air Force determines under subsection (c) of this section that the Air Force has no continuing military need for any lands withdrawn and reserved by this title, the Secretary of the Air Force shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands back to the Secretary of the Interior.

(2) The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under paragraph (1) if the Secretary of the Interior determines that the Secretary of the Air Force has completed the environmental review required under section 2916(a) and the conditions under section 2916(c) have been met.

(3) If the Secretary of the Interior decides to accept jurisdiction over lands under paragraph (2) before the date of termination, as provided for in subsection (a)(1) of this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) revoke the withdrawal and reservation of such lands under this title;

(B) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(4) The Secretary of the Interior shall manage any lands relinquished under this subsection as multiple use status lands.

(5) If the Secretary of the Interior declines pursuant to paragraph (b)(2) of this section to accept jurisdiction of any parcel of the land proposed for relinquishment that parcel shall remain under the continued administration of the Secretary of the Air Force pursuant to section 2916(d).

(c) EXTENSION.—

(1) In the case of any lands withdrawn and reserved by this title that the Air Force proposes to include in a notice of extension because of continued military need under paragraph (2) of this subsection, the Secretary of the Air Force shall prior to issuing the notice under paragraph (2)—

(A) evaluate the environmental effects of the extension of the withdrawal and reservation of such lands in accordance with all applicable laws and regulations; and

(B) hold at least one public meeting in the State of Idaho regarding that evaluation.

(2) Notice of need for extension of withdrawal—

(A) Not later than 2 years before the termination of the withdrawal and reservation of lands by this title under subsection (a), the Secretary of the Air Force shall notify Congress and the Secretary of the Interior as to whether or not the Air Force has a continuing military need for any of the lands withdrawn and reserved by this title, and not previously relinquished under this section, after the termination date as specified in subsection (a) of this section.

(B) The Secretary of the Air Force shall specify in the notice under subparagraph (A) the duration of any extension or further extension of withdrawal and reservation of such lands under this title; Provided however, the duration of each extension or further extension shall not exceed 25 years.

(C) The notice under subparagraph (A) shall be published in the Federal Register and a newspaper of local distribution with the opportunity for comments, within a 60-day period, which shall be provided to the Secretary of the Air Force and the Secretary of the Interior.

(3) Effect of notification.—

(A) Subject to subparagraph (B), in the case of any lands withdrawn and reserved by this title that are covered by a notice of extension under subsection (c)(2), the withdrawal and reservation of such lands shall extend under the provisions of this title after the termination date otherwise provided for under subsection (a) for such period as is specified in the notice under subsection (c)(2).

(B) Subparagraph (A) shall not apply with respect to any lands covered by a notice referred to in that paragraph until 90 legislative days after the date on which the notice with respect to such lands is submitted to Congress under paragraph (2).

SEC. 2916. ENVIRONMENTAL REMEDIATION OF RELINQUISHED WITHDRAWN LANDS OR UPON TERMINATION OF WITHDRAWAL.

(a) ENVIRONMENTAL REVIEW.—

(1) Before submitting under section 2915 a notice of an intent to relinquish jurisdiction over lands withdrawn and reserved by this title, and in all cases not later than two years prior to the date of termination of withdrawal and reservation, the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, complete a review that fully characterizes the environmental conditions of such lands (including any water and air associated with such lands) in order to identify any contamination on such lands.

(2) The Secretary of the Air Force shall submit to the Secretary of the Interior a copy of the review prepared with respect to any lands under paragraph (1). The Secretary of the Air Force shall also submit at the same time any notice of intent to relinquish jurisdiction over such lands under section 2915.

(3) The Secretary of the Air Force shall submit a copy of any such review to Congress.

(b) ENVIRONMENTAL REMEDIATION OF LANDS.—The Secretary of the Air Force shall, in accordance with applicable State and Federal law, carry out and complete environmental remediation—

(1) before relinquishing jurisdiction to the Secretary of the Interior over any lands identified in a notice of intent to relinquish under subsection 2915(b); or,

(2) prior to the date of termination of the withdrawal and reservation, except as provided under subsection (d) of this section.

(c) POSTPONEMENT OF RELINQUISHMENT.—The Secretary of the Interior shall not accept jurisdiction over any lands that are the subject of activities under subsection (b) of this section until the Secretary of the Interior determines that environmental conditions on the lands are such that—

(1) all necessary environmental remediation has been completed by the Secretary of the Air Force;

(2) the lands are safe for nonmilitary uses; and

(3) the lands could be opened consistent with the Secretary of the Interior's public land management responsibilities.

(d) JURISDICTION WHEN WITHDRAWAL TERMINATES.—If the determination required by section (c) cannot be achieved for any parcel of land subject to the withdrawal and reservation prior to the termination date of the withdrawal and reservation, the Secretary of the Air Force shall retain administrative jurisdiction over such parcels of land notwithstanding the termination date for the limited purposes of:

(1) environmental remediation activities under subsection (b); and,

(2) any activities relating to the management of such lands after the termination of the withdrawal reservation for military purposes that are provided for in the integrated natural resources management plan under section 2909.

(e) REQUEST FOR APPROPRIATIONS.—The Secretary of the Air Force shall request an appropriation pursuant to section 2919 sufficient to accomplish the remediation under this title.

SEC. 2917. DELEGATION OF AUTHORITY.

(a) AIR FORCE FUNCTIONS.—Except for executing the agreement referred to in section 2907, the Secretary of the Air Force may delegate that Secretary's functions under this title.

(b) INTERIOR FUNCTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Interior may delegate that Secretary's functions under this title.

(2) The order referred to in section 2915(b)(3) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

(3) The approvals granted by the Bureau of Land Management shall be pursuant to the decisions of the Secretary of the Interior, or the Assistant Secretary for Land and Minerals Management.

SEC. 2918. SENSE OF SENATE REGARDING MONITORING OF WITHDRAWN LANDS.

(a) FINDING.—The Senate finds that there is a need for the Department of the Air Force, the Bureau of Land Management, the State of Idaho, and Owyhee County to develop a cooperative effort to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should ensure that the budgetary planning of the Department of the Air Force makes available sufficient funds to assure Air Force participation in the cooperative effort developed by the Department of the Air Force, the Bureau of Land Management, and the State of Idaho to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

SEC. 2919. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

AMENDMENT NO. 2936

On page 348, strike out line 1 and all that follows through page 366, line 13, and insert in lieu thereof the following:

TITLE XXIX—JUNIPER BUTTE RANGE WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Juniper Butte Range Withdrawal Act''.

SEC. 2902. WITHDRAWAL AND RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Juniper Butte Range, Idaho, referred to in subsection (c), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Materials Act of 1947 (30 U.S.C. 601–604).

(b) RESERVED USES.—The land withdrawn under subsection (a) are reserved for use by the Secretary of the Air Force for—

(1) a high hazard training area;

(2) dropping non-explosive training ordnance with spotting charges;

(3) electronic warfare and tactical maneuvering and air support;

(4) other defense-related purposes consistent with the purposes specified in paragraphs (1), (2), and (3), including continued natural resource management and environmental remediation in accordance with section 2916;

(c) SITE DEVELOPMENT PLANS.—Site development plans shall be prepared prior to construction; site development plans shall be incorporated in the Integrated Natural Resource Management Plan identified in section 2909; and, except for any minimal improvements, development on the withdrawn lands of any facilities beyond those proposed and analyzed in the Air Force's Enhanced Training in Idaho Environmental Impact Statement, the Enhanced Training in Idaho Record of Decision dated March 10, 1998, and the site development plans shall be contingent upon review and approval of the Idaho State Director, Bureau of Land Management.

(d) GENERAL DESCRIPTION.—The public lands withdrawn and reserved by this section comprise approximately 11,300 acres of public land in Owhyee County, Idaho, as generally depicted on the map entitled ''Juniper Butte Range Withdrawal-Proposed'', dated June 1998, that will be filed in accordance with section 2903. The withdrawal is for an approximately 10,600-acre tactical training range, a 640-acre no-drop target site, four 5-acre no-drop target sites and nine 1-acre electronic threat emitter sites.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the effective date of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map or maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) INCORPORATION BY REFERENCE.—Such maps and legal description shall have the same force and effect as if included in this title.

(c) CORRECTION OF ERRORS.—The Secretary of the Interior may correct clerical and typographical errors in such map or maps and legal description.

(d) AVAILABILITY.—Copies of such map or maps and the legal description shall be available for public inspection in the office of the Idaho State Director of the Bureau of Land Management; the offices of the managers of the Lower Snake River District, Bureau Field Office and Jarbidge Field Office of the Bureau of Land Management; and the Office of the Commander, Mountain Home Air Force Base, Idaho. To the extent practicable, the Secretary of the Interior shall adopt the legal description and maps prepared by the Secretary of the Air Force in support of this Title.

(e) The Secretary of the Air Force shall reimburse the Secretary of the Interior for the costs incurred by the Department of the Interior in implementing this section.

SEC. 2904. RIGHT-OF-WAY GRANTS.

In addition to the withdrawal under section 2902 and in accordance with all applicable laws, the Secretary of the Interior shall process and grant the Secretary of the Air Force rights-of-way using the Department of the Interior regulations and policies in effect at the time of filing applications for the one-quarter acre electronic warfare threat emitter sites, roads, powerlines, and other ancillary facilities as described and analyzed in the Enhanced Training in Idaho Final Environmental Impact Statement, dated January 1998.

SEC. 2905. ACTIONS CONCERNING RANCHING OPERATIONS IN WITHDRAWN AREA.

The Secretary of the Air Force is authorized and directed to, upon such terms and conditions as the Secretary of the Air Force considers just and in the national interest, conclude and implement agreements with the grazing permittees to provide appropriate consideration, including future grazing arrangements. Upon the conclusion of these agreements, the Assistant Secretary, Land and Minerals Management, shall grant rights-of-way and approvals and take such actions as are necessary to implement promptly this title and the agreements with the grazing permittees. The Secretary of the Air Force and the Secretary of the Interior shall allow the grazing permittees for lands withdrawn and reserved by this title to continue their activities on the lands in accordance with the permits and their applicable regulations until the Secretary of the Air Force has fully implemented the agreement with the grazing permittees under this section. Upon the implementation of these agreements, the Bureau of Land Management is authorized and directed, subject to the limitations included in this section, to terminate grazing on the lands withdrawn.

SEC. 2906. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) IN GENERAL.—Except as provided in section 2916(d), during the withdrawal and reservation of any lands under this title, the Secretary of the Air Force shall manage such lands for purposes relating to the uses set forth in section 2902(b).

(b) MANAGEMENT ACCORDING TO PLAN.—The lands withdrawn and reserved by this title shall be managed in accordance with the provisions of this title under the integrated natural resources management plan prepared under section 2909.

(c) AUTHORITY TO CLOSE LAND.—If the Secretary of the Air Force determines that military operations, public safety, or the interests of national security require the closure to public use of any road, trail or other portion of the lands withdrawn by this title that are commonly in public use, the Secretary of the Air Force may take such action; Provided, that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. During closures, the Secretary of the Air Force shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(d) LEASE AUTHORITY.—The Secretary of the Air Force may enter into leases for State lands with the State of Idaho in support of the Juniper Butte Range and operations at the Juniper Butte Range.

(e) PREVENTION AND SUPPRESSION OF FIRE.—

(1) The Secretary of the Air Force shall take appropriate precautions to prevent and suppress brush fires and range fires that occur within the boundaries of the Juniper Butte Range, as well as brush and range fires occurring outside the boundaries of the Range resulting from military activities.

(2) Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Air Force may obligate funds appropriated or otherwise available to the Secretary of the Air Force to enter into contracts for fire-fighting.

(3)(A) The memorandum of understanding under section 2910 shall provide for the Bureau of Land Management to assist the Secretary of the Air Force in the suppression of the fires described in paragraph (1).

(B) The memorandum of understanding shall provide that the Secretary of the Air Force reimburse the Bureau of Land Management for any costs incurred by the Bureau of Land Management under this paragraph.

(f) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.), the Secretary of the Air Force may use, from the lands withdrawn and reserved by this title, sand, gravel, or similar mineral material resources of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs of the Juniper Butte Range.

SEC. 2907. INTEGRATED NATURAL RESOURCE MANAGEMENT PLAN.

(a) REQUIREMENT.—

(1) Not later than 2 years after the date of enactment of this title, the Secretary of the Air Force shall, in cooperation with the Secretary of the Interior, the State of Idaho and Owyhee County, develop an integrated natural resources management plan to address the management of the resources of the lands withdrawn and reserved by this title during their withdrawal and reservation under this title. Additionally, the Integrated Natural Resource Management Plan will address mitigation and monitoring activities by the Air Force for State and Federal lands affected by military training activities associated with the Juniper Butte Range. The foregoing will be done cooperatively between the Air Force and the Bureau of Land Management, the State of Idaho and Owyhee County.

(2) Except as otherwise provided under this title, the integrated natural resources management plan under this section shall be developed in accordance with, and meet the requirements of, section 101 of the Sikes Act (16 U.S.C. 670a).

(3) Site development plans shall be prepared prior to construction of facilities. These plans shall be reviewed by the Bureau of Land Management for Federal lands and the State of Idaho for State lands for consistency with the proposal assessed in the Enhanced Training in Idaho Environmental Impact Statement. The portion of the site development plans describing reconfigurable or replacement targets may be conceptual.

(b) ELEMENTS.—The integrated natural resources management plan under subsection (a) shall—

(1) include provisions for the proper management and protection of the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title and for the use of such resources in a manner consistent with the uses set forth in section 2902(b);

(2) permit livestock grazing at the discretion of the Secretary of the Air Force in accordance with section 2907 or any other authorities relating to livestock grazing that are available to that Secretary;

(3) permit fencing, water pipeline modifications and extensions, and the construction of aboveground water reservoirs, and the maintenance and repair of these items on the lands withdrawn and reserved by this title, and on other lands under the jurisdiction of the Bureau of Land Management; and

(4) otherwise provide for the management by the Secretary of Air Force of any lands withdrawn and reserved by this title while retained under the jurisdiction of that Secretary under this title.

(c) PERIODIC REVIEW.—The Secretary of the Air Force shall, in cooperation with the Secretary of the Interior and the State of Idaho, review the adequacy of the provisions of the integrated natural resources management plan developed under this section at least once every 5 years after the effective date of the plan.

SEC. 2908. MEMORANDUM OF UNDERSTANDING.

(a) REQUIREMENT.—The Secretary of the Air Force, the Secretary of the Interior, and the Governor of the State of Idaho shall jointly enter into a memorandum of understanding to implement the integrated natural resources management plan required under section 2909.

(b) TERM.—The memorandum of understanding under subsection (a) shall apply to any lands withdrawn and reserved by this title until their relinquishment by the Secretary of the Air Force under this title.

(c) MODIFICATION.—The memorandum of understanding under subsection (a) may be modified by agreement of all the parties specified in that subsection.

SEC. 2909. MAINTENANCE OF ROADS.

The Secretary of the Air Force shall enter into agreements with the Owyhee County Highway District, Idaho, and the Three Creek Good Roads Highway District, Idaho, under which the Secretary of the Air Force shall pay the costs of road maintenance incurred by such districts that are attributable to Air Force operations associated with the Juniper Butte Range.

SEC. 2910. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in subsection 2908(f), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Juniper Butte Range in accordance with the Act of February 28, 1958 (known as the Engle Act; 43 U.S.C. 155–158).

SEC. 2911. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with the provision of section 2671 of title 10, United States Code.

SEC. 2912. WATER RIGHTS.

(a) LIMITATION.—The Secretary of the Air Force shall not seek or obtain any water rights associated with any water pipeline modified or extended, or above ground water reservoir constructed, for purposes of consideration under section 2907.

(b) NEW RIGHTS.—

(1) Nothing in this title shall be construed to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title.

(2) Nothing in this title shall be construed to authorize the appropriation of water on the lands withdrawn and reserved by this title by the United States after the date of enactment of this title unless such appropriation is carried out in accordance with the laws of the State of Idaho.

(c) APPLICABILITY.—This section may not be construed to affect any water rights acquired by the United States before the date of enactment of this title.

SEC. 2913. DURATION OF WITHDRAWAL.

(a) TERMINATION.—

(1) Except as otherwise provided in this section and section 2916, the withdrawal and reservation of lands by this title shall, unless extended as provided herein, terminate at one minute before midnight on the 25th anniversary of the date of the enactment of this title.

(2) At the time of termination, the previously withdrawn lands shall not be open to the general land laws including the mining laws and the mineral and geothermal leasing laws until the Secretary of the Interior publishes in the Federal Register an appropriate order which shall state the date upon which such lands shall be opened.

(b) RELINQUISHMENT.—

(1) If the Secretary of the Air Force determines under subsection (c) of this section that the Air Force has no continuing military need for any lands withdrawn and reserved by this title, the Secretary of the Air Force shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands back to the Secretary of the Interior.

(2) The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under paragraph (1) if the Secretary of the Interior determines that the Secretary of the Air Force has completed the environmental review required under section 2916(a) and the conditions under section 2916(c) have been met.

(3) If the Secretary of the Interior decides to accept jurisdiction over lands under paragraph (2) before the date of termination, as provided for in subsection (a)(1) of this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) revoke the withdrawal and reservation of such lands under this title;

(B) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(4) The Secretary of the Interior shall manage any lands relinquished under this subsection as multiple use status lands.

(5) If the Secretary of the Interior declines pursuant to paragraph (b)(2) of this section to accept jurisdiction of any parcel of the land proposed for relinquishment that parcel shall remain under the continued administration of the Secretary of the Air Force pursuant to section 2916(d).

(c) EXTENSION.—

(1) In the case of any lands withdrawn and reserved by this title that the Air Force proposes to include in a notice of extension because of continued military need under paragraph (2) of this subsection, the Secretary of the Air Force shall prior to issuing the notice under paragraph (2)—

(A) evaluate the environmental effects of the extension of the withdrawal and reservation of such lands in accordance with all applicable laws and regulations; and

(B) hold at least one public meeting in the State of Idaho regarding that evaluation.

(2) Notice of need for extension of withdrawal—

(A) Not later than 2 years before the termination of the withdrawal and reservation of lands by this title under subsection (a), the Secretary of the Air Force shall notify Congress and the Secretary of the Interior as to whether or not the Air Force has a continuing military need for any of the lands withdrawn and reserved by this title, and not previously relinquished under this section, after the termination date as specified in subsection (a) of this section.

(B) The Secretary of the Air force shall specify in the notice under subparagraph (A) the duration of any extension or further extension of withdrawal and reservation of such lands under this title; Provided however, the duration of each extension or further extension shall not exceed 25 years.

(C) The notice under subparagraph (A) shall be published in the Federal Register and a newspaper of local distribution with the opportunity for comments, within a 60-day period, which shall be provided to the Secretary of the Air Force and the Secretary of the Interior.

(3) Effect of notification.—

(A) Subject to subparagraph (B), in the case of any lands withdrawn and reserved by this title that are covered by a notice of extension under subsection (c)(2), the withdrawal and reservation of such lands shall extend under the provisions of this title after the termination date otherwise provided for under subsection (a) for such period as is specified in the notice under subsection (c)(2).

(B) Subparagraph (A) shall not apply with respect to any lands covered by a notice referred to in that paragraph until 90 legislative days after the date on which the notice with respect to such lands is submitted to Congress under paragraph (2).

SEC. 2914. ENVIRONMENTAL REMEDIATION OF RELINQUISHED WITHDRAWN LANDS OR UPON TERMINATION OF WITHDRAWAL.

(a) ENVIRONMENTAL REVIEW.—

(1) Before submitting under section 2915 a notice of an intent to relinquish jurisdiction over lands withdrawn and reserved by this title, and in all cases not later than two years prior to the date of termination of withdrawal and reservation, the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, complete a review that fully characterizes the environmental conditions of such lands (including any water and air associated with such lands) in order to identify any contamination on such lands.

(2) The Secretary of the Air Force shall submit to the Secretary of the Interior a copy of the review prepared with respect to any lands under paragraph (1). The Secretary of the Air Force shall also submit at the same time any notice of intent to relinquish jurisdiction over such lands under section 2915.

(3) The Secretary of the Air Force shall submit a copy of any such review to Congress.

(b) ENVIRONMENTAL REMEDIATION OF LANDS.—The Secretary of the Air Force shall, in accordance with applicable State and Federal law, carry out and complete environmental remediation—

(1) before relinquishing jurisdiction to the Secretary of the Interior over any lands identified in a notice of intent to relinquish under subsection 2915(b); or,

(2) prior to the date of termination of the withdrawal and reservation, except as provided under subsection (d) of this section.

(c) POSTPONEMENT OF RELINQUISHMENT.—The Secretary of the Interior shall not accept jurisdiction over any lands that are the subject of activities under subsection (b) of this section until the Secretary of the Interior determines that environmental conditions on the lands are such that—

(1) all necessary environmental remediation has been completed by the Secretary of the Air Force;

(2) the lands are safe for nonmilitary uses; and

(3) the lands could be opened consistent with the Secretary of the Interior's public land management responsibilities.

(d) JURISDICTION WHEN WITHDRAWAL TERMINATES.—If the determination required by section (c) cannot be achieved for any parcel of land subject to the withdrawal and reservation prior to the termination date of the withdrawal and reservation, the Secretary of the Air Force shall retain administrative jurisdiction over such parcels of land notwithstanding the termination date for the limited purposes of:

(1) environmental remediation activities under subsection (b); and,

(2) any activities relating to the management of such lands after the termination of the withdrawal reservation for military purposes that are provided for in the integrated natural resources management plan under section 2909.

(e) REQUEST FOR APPROPRIATIONS.—The Secretary of the Air Force shall request an appropriation pursuant to section 2919 sufficient to accomplish the remediation under this title.

SEC. 2915. DELEGATION OF AUTHORITY.

(a) AIR FORCE FUNCTIONS.—Except for executing the agreement referred to in section 2907, the Secretary of the Air Force may delegate that Secretary's functions under this title.

(b) INTERIOR FUNCTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Interior may delegate that Secretary's functions under this title.

(2) The order referred to in section 2915(b)(3) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

(3) The approvals granted by the Bureau of Land Management shall be pursuant to the decisions of the Secretary of the Interior, or the Assistant Secretary for Land and Minerals Management.

SEC. 2916. SENSE OF SENATE REGARDING MONITORING OF WITHDRAWN LANDS.

(a) FINDING.—The Senate finds that there is a need for the Department of the Air Force, the Bureau of Land Management, the State of Idaho, and Owyhee County to develop a cooperative effort to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should ensure that the budgetary planning of the Department of the Air Force makes available sufficient funds to assure Air Force participation in the cooperative effort developed by the Department of the Air Force, the Bureau of Land Management, and the State of Idaho to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

SEC. 2917. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

WYDEN AMENDMENT NO. 2937

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

SEC. 3144. REVIEW OF CALCULATION OF OVERHEAD COSTS OF CLEANUP AT DEPARTMENT OF ENERGY SITES.

(a) REVIEW.—(1) The Comptroller General shall—

(A) carry out a review of the methods currently used by the Department of Energy for calculating overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.

(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

(b) REPORT.—Not later than January 31, 1999, the Comptroller General shall submit to Congress a report setting forth the findings of the Comptroller as a result of the review under subsection (a). The report shall include the recommendations of the Comptroller regarding means of standardizing the methods used by the Department for allocating and reporting overhead costs associated with the cleanup of Department sites.

WYDEN AMENDMENT NO. 2938

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed to amendment No. 2874 submitted by him to the bill, S. 2057, supra; as follows:

In Amendment No. 2874, on page 1, after line 8, insert the following:

overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.

(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

BYRD AMENDMENTS NOS. 2939–2941

(Ordered to lie on the table.)

Mr. BYRD submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2939

Strike out the period at the end of subsection (a), and insert in lieu thereof the following:

; and

(4) requires that during basic training—

(A) male recruits be assigned to platoons (in the case of the Army or Marine Corps), divisions (in the case of the Navy), or flights (in the case of the Air Force) that consist only of male recruits; and

(B) female recruits be assigned to platoons (in the case of the Army or Marine Corps), divisions (in the case of the Navy), or flights (in the case of the Air Force) that consist only of female recruits.

AMENDMENT NO. 2940

Beginning on the first page, strike out line 5 and all that follows, and insert in lieu thereof the following:

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4319. Recruit basic training: separate platoons and separate housing for male and female recruits

''(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

''(1) male recruits shall be assigned to platoons consisting only of male recruits; and

''(2) female recruits shall be assigned to platoons consisting only of female recruits.

''(b) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate platoons and separate housing for male and female recruits.''.

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code,

is amended by inserting after chapter 601 the following new chapter:

"CHAPTER 602—TRAINING GENERALLY

''Sec.
''6931. Recruit basic training: separate small units and separate housing for male and female recruits.

"§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits

''(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

''(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

''(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

"602. Training Generally ..... 6931".

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9319. Recruit basic training: separate flights and separate housing for male and female recruits

''(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

''(1) male recruits shall be assigned to flights consisting only of male recruits; and

''(2) female recruits shall be assigned to flights consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a dormitory or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate flights and separate housing for male and female recruits.''.

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

AMENDMENT NO. 2941

At the appropriate place, add the following:

SEC. . LIMITATION RELATING TO NUMBER OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AUTHORIZED AT EACH SENIOR MILITARY COLLEGE.

(a)(1) Funds authorized to be appropriated under this Act for the financial assistance program for the Naval Reserve Officers' Training Corps under section 2107 of title 10, United States Code, may be used for that program only if the policies of the Department of Defense and the Department of the Navy regarding the program provide that the number of entering freshmen midshipmen who choose to attend a senior military college referred to in section 2111a(d) of such title and who are qualified by the Navy to receive financial assistance under the program at each senior military college be as follows:

(A) up to forty midshipmen.

(B) in the case of a senior military college with more than 1,000 members of its Corps of Cadets, based on the college's enrollment at the beginning of the academic year, one midshipman (in addition to the 40 midshipmen under paragraph (A)) for each 100 members of the Corps of Cadets at such college in excess of 1,000 members.

Nothing in this section shall prevent the Navy from allowing a larger number of midshipmen to attend a given senior military college.

WARNER AMENDMENT NO. 2942

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title VIII, add the following:

SEC. 812. CLARIFICATION OF RESPONSIBILITY FOR SUBMISSION OF INFORMATION ON PRICES PREVIOUSLY CHARGED FOR PROPERTY OR SERVICES OFFERED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2306a(d)(1) of title 10, United States Code is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 304A(d)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)(1)), is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(c) CRITERIA FOR CERTAIN DETERMINATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to include criteria for contracting officers to apply for determining the specific price information that an offeror should be required to submit under section 2306(d) of title 10, United States Code, or section 304A(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)).

KERRY (AND SMITH) AMENDMENTS NOS. 2943–2945

Mr. LEVIN (for Mr. KERRY for himself and Mr. SMITH of New Hampshire) proposed three amendments to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2943

At the end of subtitle D of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF FORMER SOUTH VIETNAMESE COMMANDOS IN CONNECTION WITH UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.

(a) FINDINGS.—Congress makes the following findings:

(1) South Vietnamese commandos were recruited by the United States as part of OPLAN 34A or its predecessor or OPLAN 35 from 1961 to 1970.

(2) The commandos conducted covert operations in North Vietnam during the Vietnam conflict.

(3) Many of the commandos were captured and imprisoned by North Vietnamese forces, some for as long as 20 years.

(4) The commandos served and fought proudly during the Vietnam conflict.

(5) Many of the commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict.

(6) Many of the Vietnamese commandos now reside in the United States.

(b) SENSE OF CONGRESS—Congress recognizes and honors the former South Vietnamese commandos for their heroism, sacrifice, and service in connection with United States armed forces during the Vietnam conflict.

AMENDMENT NO. 2944

On page 127, between lines 12 and 13, insert the following:

SEC. 634. ELIGIBILITY FOR PAYMENTS OF CERTAIN SURVIVORS OF CAPTURED AND INTERNED VIETNAMESE OPERATIVES WHO WERE UNMARRIED AND CHILDLESS AT DEATH.

Section 657(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by adding at the end the following:

''(3) In the case of a decedent who had not been married at the time of death—

''(A) to the surviving parents; or

''(B) if there are no surviving parents, to the surviving siblings by blood of the decedent, in equal shares.''.

AMENDMENT NO. 2945

On page 127, between lines 12 and 13, insert the following:

SEC. 634. CLARIFICATION OF RECIPIENT OF PAYMENTS TO PERSONS CAPTURED OR INTERNED BY NORTH VIETNAM.

Section 657(f)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by striking out ''The actual disbursement'' and inserting in lieu thereof ''Notwithstanding any agreement (including a power of attorney) to the contrary, the actual disbursement''.

BOND AMENDMENT NO. 2946

Mr. THURMOND (for Mr. BOND) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 323, in the third table following line 9, insert after the item relating to Camp Shelby, Mississippi, the following new item:

Missouri	National Guard Training Site, Jefferson City.	Multi-Purpose Range.	$2,236,000

LEVIN (AND OTHERS) AMENDMENT NO. 2947

Mr. LEVIN (for himself, Mr. CONRAD, Mr. KEMPTHORNE, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. RUSSIAN NON-STRATEGIC NUCLEAR WEAPONS

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that

(1) the 7,000 to 12,000 or more non-strategic (or ''tactical'') nuclear weapons estimated by the United States Strategic Command to be in the Russian arsenal may present the greatest threat of sale or theft of a nuclear warhead in the world today;

(2) as the number of deployed strategic warheads in the Russian and United States arsenals declines to just a few thousand under the START accords, Russia's vast superiority in tactical nuclear warheads—many of which have yields equivalent to strategic nuclear weapons—could become strategically destabilizing;

(3) while the United States has unilaterally reduced its inventory of tactical nuclear weapons by nearly ninety percent since the end of the Cold War, Russia is behind schedule in implementing the steep tactical nuclear arms reductions pledged by former Soviet President Gorbachev in 1991 and Russian President Yeltsin in 1992, perpetuating the dangers from Russia's tactical nuclear stockpile; and,

(4) the President of the United States should call on the Russian Federation to expedite reduction of its tactical nuclear arsenal in accordance with the promises made in 1991 and 1992.

(b) REPORT.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Congress a report on Russia's non-strategic nuclear weapons, including

(1) estimates regarding the current numbers, types, yields, viability, and locations of such warheads;

(2) an assessment of the strategic implications of the Russian Federation's non-strategic arsenal, including the potential use of such warheads in a strategic role or the use of their components in strategic nuclear systems;

(3) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads, including an analysis of Russian command and control as it concerns the use of tactical nuclear warheads; and

(4) a summary of past, current, and planned efforts to work cooperatively with the Russian Federation to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

This report shall include the views of the Director of Central Intelligence and the Commander in Chief of the United States Strategic Command.

GRAMS AMENDMENT NO. 2948

Mr. THURMOND (for Mr. GRAMS) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. PRESENTATION OF UNITED STATES FLAG TO MEMBERS OF THE ARMED FORCES.

(a) ARMY.—(1) Chapter 353 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 3681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Army shall present a United States flag to a member of any component of the Army upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 6141 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 3684 the following:

''3681. Presentation of flag upon retirement at end of active duty service.''.

(b) NAVY AND MARINE CORPS.—(1) Chapter 561 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 6141. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Navy shall present a United States flag to a member of any component of the Navy or Marine Corps upon the release of the member from active duty for retirement or for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 6151 the following:

''6141. Presentation of flag upon retirement at end of active duty service.''.

(c) AIR FORCE.—(1) Chapter 853 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 8681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Air Force shall present a United States flag to a member of any component of the Air Force upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 6141 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 8684 the following:

''8681. Presentation of flag upon retirement at end of active duty service.''.

(d) REQUIREMENT FOR ADVANCE APPROPRIATIONS.—The Secretary of a military department may present flags under authority provided the Secretary in section 3681, 6141, or 8681 title 10, United States Code (as added by this section), only to the extent that funds for such presentations are appropriated for that purpose in advance.

(e) EFFECTIVE DATE.—Sections 3681, 6141, and 8681 of title 10, United States Code (as added by this section shall take effect on October 1, 1998, and shall apply with respect to releases described in those sections on or after that date.

HUTCHISON AMENDMENT NO. 2949

Mr. THURMOND (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 222, below line 21, add the following:

SEC. 1031. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.

(a) REQUIREMENT.—Not later than December 31, 1998, the Secretary of the Air Force shall, in consultation with the Secretary of the Defense, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) ELEMENTS.—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would accrue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

INOUYE AMENDMENT NO. 2950

Mr. LEVIN (for Mr. INOUYE) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, insert:

SEC. 2833. Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

SNOWE AMENDMENTS NOS. 2951–2952

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to amendment No. 2391 proposed by Mrs. FEINSTEIN to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2951

At the appropriate place, insert:

SEC. . MORATORIUM ON CHANGES OF GENDER-RELATED POLICIES AND PRACTICES PENDING COMPLETION OF THE WORK OF THE COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

Notwithstanding any other provision of law, no official of the Department of Defense may implement any change of policy or official practice in the department regarding separation or integration of members of the Armed Forces on the basis of gender that is within the responsibility of the Commission on Military Training and Gender-Related issues to review under subtitle F of title V of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 750), before the date on which the commission terminates under section 564 of such Act.

SEC. . EXTENSION OF REPORTING DATES FOR COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

(a) INTERIM REPORT.—Subsection (e)(1) of section 562 of the national Defense Authorization Act for Fiscal Year 1998 (Public law 105–85; 111 Stat. 1754; 10 U.S.C. 113 note) is amended by striking out ''April 15, 1998'' and inserting in lieu thereof ''October 15, 1998.''

(b) FINAL REPORT.—Subsection (e)(2) of such section is amended by striking out ''September 16, 1998'' and inserting in lieu thereof ''March 15, 1999.''

AMENDMENT NO. 2952

At the appropriate place, insert:

SEC. 527. REQUIREMENTS RELATING TO RECRUIT BASIC TRAINING.

(a) ARMY.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—The Secretary of the Army shall provide separate and secure housing for male and female recruits during basic training. Such housing must include physically separate sleeping areas for male and female recruits and physically separate latrine areas for male and female recruits with secure, permanent walls separating male and female recruits in these areas. Each area shall have a separate entrance. The Secretary shall ensure that these areas are under continuous supervision by authorized, trained personnel when recruits are present in the area.

''(b) HOUSING PRIVACY.—The Secretary of the Army shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are accompanied by a member of the same gender as the recruits housed in the living area.

''(c) FUTURE CONSTRUCTION.—The Secretary shall ensure that all future housing for recruits during basic training be constructed in such a manner as to facilitate separate and secure areas for each gender.

''(d) DEFINITION OF BASIC TRAINING.—In this section, basic training means that portion of the Army's initial entry training that constitutes the basic combat training of new recruits.''

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 401 is amended by inserting after the item related to section 4318 the following new item:

''4319 Recruit basic training: separate housing and privacy for male and female recruits.''

(c) NAVY.—Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

§ 7231. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—The Secretary of the Navy shall provide separate and secure housing for male and female recruits during basic training. Such housing must include physically separate sleeping areas for male and female recruits and physically separate latrine areas for male and female recruits with secure, permanent walls separating male and female recruits in these areas. Each area shall have a separate entrance. Gender separated barracks would also fulfill the above housing requirements. The Secretary shall ensure that these areas are under continuous supervision by authorized, trained personnel when recruits are present in the area.

''(b) HOUSING PRIVACY.—The Secretary of the Navy shall require that access by recruit division commanders and other training personnel to a living area in which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit division commanders or training personnel who are accompanied by a member of the same gender as the recruits housed in the living area.

''(c) FUTURE CONSTRUCTION.—The Secretary shall ensure that all future housing for recruits during basic training be constructed in such a manner as to facilitate separate and secure areas for each gender.

''(d) DEFINITION OF BASIC TRAINING.—In this section, basic training means that portion of the Navy's initial entry training that constitutes the basic combat training of new recruits.''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 631 is amended by inserting after the item related to section 7231 the following new item:

''7232. Recruit basic training: separate housing and privacy for male and female recruits.''

(e) AIR FORCE.—Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9318. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—The Secretary of the Air Force shall provide separate and secure housing for male and female recruits during basic training. Such housing must include physically separate sleeping areas for male and female recruits and physically separate latrine areas for male and female recruits with secure, permanent walls separating male and female recruits in these areas. Each area shall have a separate entrance. The Secretary shall ensure that these areas are under continuous supervision by authorized, trained personnel when recruits are present in the area.

''(b) HOUSING PRIVACY.—The Secretary of the Air Force shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are accompanied by a member of the same gender as the recruits housed in the living area.

''(c) FUTURE CONSTRUCTION.—The Secretary shall ensure that all future housing for recruits during basic training be constructed in such a manner as to facilitate separate and secure areas for each gender.

''(d) DEFINITION OF BASIC TRAINING.—In this section, basic training means that portion of the Air Force's initial entry training that constitutes the basic combat training of new recruits.''

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 901 is amended by inserting after the item related to section 9317 the following new item:

''9318. Recruit basic training: separate housing and privacy for male and female recruits.''

FRIST (AND THOMPSON) AMENDMENT NO. 2953

(Ordered to lie on the table.)

Mr. FRIST (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of the amendment, add the following:

(c) LIMITATION ON FUNDS AVAILABLE FOR NAMING.—No funds may be used for the purpose of naming the guest house referred to in subsection (a) in accordance with that subsection except funds available for payment of the travel expenses of the Office of the Secretary of the Army.

DODD AMENDMENTS. NOS. 2954–2955

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the bill. S. 2057, supra; as follows:

AMENTMENT NO. 2954

At the appropriate place, insert the following:

SEC. 634. ARMY PENSION PROGRAM.

(a) $750,000 will be authorized to be appropriated from existing Department of the Army funds to alleviate the backlog of pension packages for Army, Army Reserve and National Guard retirees.

(b) The Secretary of the Army shall alleviate such backlog by December 31, 1998 and report to Congress no later than January 31, 1999 regarding the current status of the backlog and what, if any, additional measures are needed to ensure that pension packages are processed in a timely fashion.

AMENDMENT NO. 2955

At the appropriate place, insert the following:

SEC. 634. ARMY PENSION PROGRAM.

(a) $750,000 will be authorized to be appropriated from existing Department of the Army funds to alleviate the backlog of pension packages for Army, Army Reserve and National Guard retirees.

(b) The Secretary of the Army shall alleviate such backlog by December 31, 1998 and report to Congress no later than January 31, 1999 regarding the current status of the backlog and what, if any, additional measures are needed to ensure that pension packages are processed in a timely fashion.

BYRD AMENDMENTS. NOS. 2956–2957

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2956

In lieu of the matter proposed to be inserted insert the following:

SEC. ____. (a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4319. Recruit basic training: separate platoons and separate housing for male and female recruits

''(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

''(1) male recruits shall be assigned to platoons consisting only of male recruits; and

''(2) female recruits shall be assigned to platoons consisting only of female recruits.

''(b) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate platoons and separate housing for male and female recruits.''.

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

''CHAPTER 602—TRAINING GENERALLY

''Sec.

''6931. Recruit basic training: separate small units and separate housing for male and female recruits.

''§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits

''(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

''(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

''(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9319. Recruit basic training: separate flights and separate housing for male and female recruits

''(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

''(1) male recruits shall be assigned to flights consisting only of male recruits; and

''(2) female recruits shall be assigned to flights consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a dormitory or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate flights and separate housing for male and female recruits.''.

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

AMENDMENT NO. 2957

At the end of the matter proposed to be inserted, insert the following:

SEC. ____. (a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4319. Recruit basic training: separate platoons and separate housing for male and female recruits

''(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

''(1) male recruits shall be assigned to platoons consisting only of male recruits; and

''(2) female recruits shall be assigned to platoons consisting only of female recruits.

''(b) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate platoons and separate housing for male and female recruits.''.

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

"CHAPTER 602—TRAINING GENERALLY

''Sec.

''6931. Recruit basic training: separate small units and separate housing for male and female recruits.

"§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits

''(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

''(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

''(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9319. Recruit basic training: separate flights and separate housing for male and female recruits

''(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

''(1) male recruits shall be assigned to flights consisting only of male recruits; and

''(2) female recruits shall be assigned to flights consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force determines that it is not feasible, during some or all of the period beginning on April 16, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a dormitory or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate flights and separate housing for male and female recruits.''.

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 16, 1999.

LEVIN AMENDMENT NO. 2958

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Beginning on the first page, strike out line 5 and all that follows and insert in lieu thereof the following text:

Notwithstanding any other provision of law, no officer of the Department of Defense may implement any change of policy or official practice in the department regarding separation or integration of members of the Armed Forces on the basis of gender that is within the responsibility of the Commission on Military Training and Gender-Related Issues to review under subtitle F of title V of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1750), before the date on which the commission terminates under section 564 of such Act.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Army shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

''(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

''(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

''(b) HOUSING PRIVACY.—The Secretary of the Army shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants or other training personnel who are of the same sex, or are accompanied by a member of the same sex, as the recruits housed in * * *

* * * * *

''(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Army shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means that part of the initial entry training of the Army that constitutes the basic combat training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

''CHAPTER 602—TRAINING GENERALLY

''Sec.

''6931. Recruit basic training: separate housing and privacy for male and female recruits.

''§ 6931. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Navy shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

''(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

''(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

''(b) HOUSING PRIVACY.—The Secretary of the Navy shall require that access by recruit petty officers and other training personnel to a living area in which recruits are housed during basic training be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit petty officers and other training personnel who are of the same sex, or are accompanied by a member of the same sex, as the recruits housed in that living area.

''(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Navy shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means that part of the initial entry training of the Navy that constitutes the basic combat training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Air Force shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

''(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

''(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

''(b) HOUSING PRIVACY.—The Secretary of the Air Force shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex, or are accompanied by a member of the same sex, as the recruits housed in that living area.

''(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Air Force shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means that part of the initial entry training of the Air Force that constitutes the basic combat training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate housing and privacy for male and female recruits.''.

LEVIN AMENDMENT NO. 2959

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 2916 submitted by Mr. BYRD to the bill, S. 2057, supra; as follows:

Beginning on the first page, strike out line 5 and all that follows and insert in lieu thereof the following text:

Notwithstanding any other provision of law, no official of the Department of Defense may implement any change of policy or official practice in the department regarding separation or integration of members of the Armed Forces on the basis of gender that is within the responsibility of the Commission on Military Training and Gender-Related Issues to review under subtitle F of title V of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1750), before the date on which the commission terminates under section 564 of such Act.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Army shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

''(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

''(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

''(b) HOUSING PRIVACY.—The Secretary of the Army shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants or other training personnel who are of the same sex, or are accompanied by a member of the same sex, as the recruits housed in * * *

* * * * *

''(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Army shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means that part of the initial entry training of the Army that constitutes the basic combat training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

''CHAPTER 602—TRAINING GENERALLY

''Sec.

''6931. Recruit basic training: separate housing and privacy for male and female recruits.

''§ 6931. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Navy shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

''(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

''(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

''(b) HOUSING PRIVACY.—The Secretary of the Navy shall require that access by recruit petty officers and other training personnel to a living area in which recruits are housed during basic training be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit petty officers and other training personnel who are of the same sex, or are accompanied by a member of the same sex, as the recruits housed in that living area.

''(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the

Secretary of the Navy shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means that part of the initial entry training of the Navy that constitutes the basic combat training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Air Force shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

''(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

''(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

''(b) HOUSING PRIVACY.—The Secretary of the Air Force shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex, or are accompanied by a member of the same sex, as the recruits housed in that living area.

''(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Air Force shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means that part of the initial entry training of the Air Force that constitutes the basic combat training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate housing and privacy for male and female recruits.''.

LEVIN AMENDMENT NO. 2960

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 2927 submitted by Mr. GRAMM to the bill, S. 2057, supra; as follows:

Beginning on line 3 on the first page, strike out ''subject to'' and all that follows and insert in lieu thereof the following: ''Notwithstanding any other provision of law, all Reserve Officer Training Corps programs in all States shall be treated equitably.''

LEVIN AMENDMENT NO. 2961

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 2928 submitted by Mr. GRAMM to the bill, S. 2057, supra; as follows:

Beginning on line 3 on the first page, strike out ''subject to'' and all that follows and insert in lieu thereof the following: ''Notwithstanding any other provision of law, all Reserve Officer Training Corps programs in all States shall be treated equitably.''

COATS AMENDMENT NO. 2962

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 2, strike out lines 1 through 19 and insert in lieu thereof the following:

(1) An assessment of the technologies, business practices, functional organizations, and costs associated with Defense Automated Printing Service services as compared to leading commercial technologies, business practices, functional organizations, and costs.

(2) The functions that the Secretary determines are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(3) The functions that the Secretary determines are appropriate for transfer to the Government Printing Office or another entity.

(4) A plan to transfer to the Government Printing Office or another entity the printing functions of the Defense Automated Printing Service that are not identified under paragraph (2) as being inherently national security functions.

(5) Any recommended legislation and any administrative action that is necessary for transferring the functions in accordance with the plan.

(6) A discussion of the costs or savings associated with the transfers provided for in the plan.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

ABRAHAM AMENDMENTS NOS. 2963–2967

(Ordered to lie on the table.)

Mr. ABRAHAM submitted five amendments intended to be proposed by him to the (S. 2132) making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes; as follows:

AMENDMENT NO. 2963

At the appropriate place, insert the following section:

SEC. . EXPRESSING THE SENSE OF THE CONGRESS THAT THE PRESIDENT OF THE UNITED STATES SHOULD RECONSIDER HIS DECISION TO BE FORMALLY RECEIVED IN TIANANMEN SQUARE BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the followings findings:

(1) Nine years ago on June 4, 1989, thousands of Chinese students peacefully gathered in Tiananmen Square to demonstrate their support for freedom and democracy;

(2) It was with horror that the world witnessed the response of the Government of the People's Republic of China as tanks and military units marched into Tiananmen Square;

(3) Chinese soldiers of the People's Republic of China were ordered to fire machine guns and tanks on young, unarmed civilians;

(4) 'Children were killed holding hands with their mothers,' according to a reliable eyewitness account;

(5) According to the same eyewitness account, 'students were crushed by armored personnel carriers';

(6) More than 2,000 Chinese pro-democracy demonstrators died that day, according to the Chinese Red Cross;

(7) Hundreds continue to languish in prisons because of their beliefs in freedom and democracy;

(8) Nine years after the massacre on June 4, 1989, the Government of the People's Republic of China has yet to acknowledge the Tiananmen Square massacre; and

(9) By being formally received in Tiananmen Square, the President would bestow legitimacy on the Chinese government's horrendous actions of 9 years ago;

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should reconsider his decision to be formally received in Tiananmen Square until the Government of the People's Republic of China acknowledges the Tiananmen Square massacre, pledges that such atrocities will never happen again, and releases those Chinese students still imprisoned for supporting freedom and democracy that day.

AMENDMENT NO. 2964

Add at the end the following new titles:

TITLE —MONITORING OF HUMAN RIGHTS ABUSES IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the ''Political Freedom in China Act of 1998''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is ''an authoritarian state'' in which ''citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government''.

(B) The Government of the People's Republic of China has ''continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms''.

(C) ''[a]buses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention''.

(D) ''[p]rison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights''.

(E) ''[a]lthough the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands''.

(F) ''[n]onapproved religious groups, including Protestant and Catholic groups . . . experienced intensified repression''.

(G) ''[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia[, and] [c]ontrols on religion and on other fundamental freedoms in these areas have also intensified''.

(H) ''[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.''.

(2) In addition to the State Department, credible independent human rights organizations have documented an increase in repression in China during 1995, and effective destruction of the dissident movement through the arrest and sentencing of the few remaining pro-democracy and human rights activists not already in prison or exile.

(3) Among those were Li Hai, sentenced to 9 years in prison on December 18, 1996, for gathering information on the victims of the 1989 crackdown, which according to the court's verdict constituted ''state secrets''; Liu Nianchun, an independent labor organizer, sentenced to 3 years of ''re-education through labor'' on July 4, 1996, due to his activities in connection with a petition campaign calling for human rights reforms; and Ngodrup Phuntsog, a Tibetan national, who was arrested in Tibet in 1987 immediately after he returned from a 2-year trip to India, where the Tibetan government in exile is located, and following a secret trial was convicted by the Government of the People's Republic of China of espionage on behalf of the ''Ministry of Security of the Dalai clique''.

(4) Many political prisoners are suffering from poor conditions and ill-treatment leading to serious medical and health problems, including—

(A) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(B) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(5) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(6) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. . CONDUCT OF FOREIGN RELATIONS.

(a) RELEASE OF PRISONERS.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should request the immediate and unconditional release of Ngodrup Phuntsog and other prisoners of conscience in Tibet, as well as in the People's Republic of China.

(b) ACCESS TO PRISONS.—The Secretary of State should seek access for international humanitarian organizations to Drapchi prison and other prisons in Tibet, as well as the People's Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment.

(c) DIALOGUE ON FUTURE OF TIBET.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated to support personnel to monitor political repression in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, $2,200,000 for fiscal year 1999 and $2,200,000 for fiscal year 2000.

SEC. . DEMOCRACY BUILDING IN CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NED.—In addition to such sums as are otherwise authorized to be appropriated for the ''National Endowment for Democracy'' for fiscal years 1999 and 2000, there are authorized to be appropriated for the ''National Endowment for Democracy'' $4,000,000 for fiscal year 1999 and $4,000,000 for fiscal year 2000, which shall be available to promote democracy, civil society, and the development of the rule of law in China.

(b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY FUND.—The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. . HUMAN RIGHTS IN CHINA.

(a) REPORTS.—Not later than March 30, 1999, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on human rights in China, including religious persecution, the development of democratic institutions, and the rule of law. Reports shall provide information on each region of China.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry for China which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China. Such information shall include the changes, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners in China. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding Chinese political prisoners to assist in the creation and maintenance of the registry.

SEC. . SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.

It is the sense of Congress that Congress, the President, and the Secretary of State should work with the governments of other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. . SENSE OF CONGRESS REGARDING DEMOCRACY IN HONG KONG.

It is the sense of Congress that the people of Hong Kong should continue to have the right and ability to freely elect their legislative representatives, and that the procedure for the conduct of the elections of the legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

SEC. . SENSE OF CONGRESS RELATING TO ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;

(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;

(3) the President should bar from entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;

(4) individuals determined to be participating in or otherwise facilitating the sale of such organs in the United States should be prosecuted to the fullest possible extent of the law; and

(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

AMENDMENT NO. 2965

At the appropriate place, insert the following section:

SEC. . ENFORCEMENT OF IRAN-IRAQ ARMS NON-PROLIFERATION ACT WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States that—

(1) the delivery of 60C–802 cruise missiles by the China National Precision Machinery Import Export Corporation to Iran poses a new, direct threat to deployed United States forces in the Middle East and materially contributed to the efforts of Iran to acquire destabilizing numbers and types of advanced conventional weapons; and

(2) the delivery is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(b) IMPLEMENTATION OF SANCTIONS.—

(1) REQUIREMENT.—The President shall impose on the People's Republic of China the mandatory sanctions set forth in paragraphs (3), (4), and (5) of section 1605(b) of the Iran-Iraq Arms Non-Proliferation Act of 1992.

(2) NONAVAILABILITY OF WAIVER.—For purposes of this section, the President shall not have the authority contained in section 1606 of the Iran-Iraq Non-Proliferation Act of 1992 to waive the sanctions required under paragraph (1).

AMENDMENT NO. 2966

At the appropriate place, insert the following section:

SEC. . SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP, CHINA POLY GROUP, AND CERTAIN OTHER ENTITIES AFFILIATED WITH THE PEOPLE'S LIBERATION ARMY.

(a) FINDING; PURPOSE.—

(1) FINDING.—Congress finds that, in May 1996, United States authorities caught representatives of the People's Liberation Army enterprise, China Poly Group, and the civilian defense industrial company, China North Industries Group, attempting to smuggle 2,000 AK–47s into Oakland, California, and offering to sell to Federal undercover agents 300,000 machine guns with silencers, 66-millimeter mortars, hand grenades, and ''Red Parakeet'' surface-to-air missiles, which, as stated in the criminal complaint against one of those representatives, '' . . . could take out a 747'' aircraft.

(2) PURPOSE.—The purpose of this section is to impose targeted sanctions against entities affiliated with the People's Liberation Army that engage in the proliferation of weapons of mass destruction, the importation of illegal weapons or firearms into the United States, or espionage in the United States.

(b) SANCTIONS AGAINST CERTAIN PLA AFFILIATES.—

(1) SANCTIONS.—Except as provided in paragraph (2) and subject to paragraph (3), the President shall—

(A) prohibit the importation into the United States of all products that are produced, grown, or manufactured by a covered entity, the parent company of a covered entity, or any affiliate, subsidiary, or successor entity of a covered entity;

(B) direct the Secretary of State and the Attorney General to deny or impose restrictions on the entry into the United States of any foreign national serving as an officer, director, or employee of a covered entity or other entity described in subparagraph (A);

(C) prohibit the issuance to a covered entity or other entity described in subparagraph (A) of licenses in connection with the export of any item on the United States Munitions List;

(D) prohibit the export of a covered entity or other entity described in subparagraph (A) of any goods or technology on which export controls are in effect under section 5 or 6 of the Export Administration Act of 1979;

(E) direct the Export-Import Bank of the United States not to give approve to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit with respect to a covered entity or other entity described in subparagraph (A);

(F) prohibit United States nationals from directly or indirectly issuing any guarantee for any loan or other investment to, issuing any extension of credit to, or making any investment in a covered entity or other entity described in subparagraph (A); and

(G) prohibit the departments and agencies of the United States and United States nationals from entering into any contract with a covered entity or other entity described in subparagraph (A) for the procurement or other provision of goods or services from such entity.

(2) EXCEPTIONS.—

(A) IN GENERAL.—The President shall not impose sanctions under this subsection—

(i) in the case of the procurement of defense articles or defense services—

(I) under contracts or subcontracts that are in effect on October 1, 1998 (including the exercise of options for production quantities to satisfy United States operational military requirements);

(II) if the President determines that the person or entity to whom the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

(III) if the President determines that such articles or services are essential to the national security; or

(ii) in the case of—

(I) products or services provided under contracts or binding agreements (as such terms are defined by the President in regulations) or joint ventures entered into before October 1, 1998;

(II) spare parts;

(III) component parts that are not finished products but are essential to United States products or production;

(IV) routine servicing and maintenance of products; or

(V) information and technology products and services.

(B) IMMIGRATION RESTRICTIONS.—The President shall not apply the restrictions described in paragraph (1)(B) to a person described in that paragraph if the President, after consultation with the Attorney General, determines that the presence of the person in the United States is necessary for a Federal or State judicial proceeding against a covered entity or other entity described in paragraph (1)(A).

(3) TERMINATION.—The sanctions under this subsection shall terminate as follows:

(A) In the case of an entity referred to in paragraph (1) or (2) of subsection (c), on the date that is one year after the date of enactment of this Act.

(B) In the case of an entity that becomes a covered entity under paragraph (3) or (4) of subsection (c) by reason of its identification in a report under subsection (d), on the date that is one year after the date on which the entity is identified in such report.

(c) COVERED ENTITIES.—For purposes of subsection (b), a covered entity is any of the following:

(1) China North Industries Group.

(2) China Poly Group, also known as Polytechnologies Incorporated or BAOLI.

(3) Any affiliate of the People's Liberation Army identified in a report of the Director of Central Intelligence under subsection (d)(1).

(4) Any affiliate of the People's Liberation Army identified in a report of the Director of the Federal Bureau of Investigation under subsection (d)(2).

(d) REPORTS ON ACTIVITIES OF PLA AFFILIATES.—

(1) TRANSFERS OF SENSITIVE ITEMS AND TECHNOLOGIES.—Not later than 30 days after the date of enactment of this Act and annually thereafter through 2002, the Director of Central Intelligence shall submit to the appropriate members of Congress a report that identifies each entity owned wholly or in part by the People's Liberation Army which, during the 2-year period ending on the date of the report, transferred to any other entity a controlled item for use in the follows:

(A) Any item listed in category I or category II of the MTCR Annex.

(B) Activities to develop, produce, stockpile, or deliver chemical or biological weapons.

(C) Nuclear activities in countries that do not maintain full-scope International Atomic Energy Agency safeguards or equivalent full-scope safeguards.

(2) ILLEGAL ACTIVITIES IN THE UNITED STATES.—Not later than 30 days after the date of enactment of this Act and annually thereafter through 2002, the Director of the Federal Bureau of Investigation shall submit to the appropriate members of Congress a report that identifies each entity owned wholly or in part by the People's Liberation Army which, during the 2-year period ending on the date of the report, attempted to—

(A) illegally import weapons or firearms into the United States;

or

(B) engage in military intelligence collection or espionage in the United States under the cover of commercial business activity.

(3) FORM.—Each report under this subsection shall be submitted in classified form.

(e) DEFINITIONS.—In this section:

(1) AFFILIATE.—The term ''affiliate'' does not include any United States national engaged in a business arrangement with a covered entity or other entity described in subsection (b)(1)(A).

(2) APPROPRIATE MEMBERS OF CONGRESS.—The term ''appropriate members of congress'' means the following:

(A) The Majority leader and Minority leader of the Senate.

(B) The chairmen and ranking members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(C) The Speaker and Minority leader of the House of Representatives.

(D) The chairmen and ranking members of the Committee on International Relations and the Committee on National Security of the House of Representatives.

(3) COMPONENT PART.—The term ''component part'' means any article that is not usable for its intended function without being embedded or integrated into any other product and, if used in the production of a finished product, would be substantially transformed in that process.

(4) CONTROLLED ITEM.—The term ''controlled item'' means the following:

(A) Any item listed in the MTCR Annex.

(B) Any item listed for control by the Australia Group.

(C) Any item relevant to the nuclear fuel cycle of nuclear explosive applications that are listed for control by the Nuclear Suppliers Group.

(5) FINISHED PRODUCT.—The term ''finished product'' means any article that is usable for its intended function without being embedded in or integrated into any other product, but does not include an article produced by a person or entity other than a covered entity or other entity described in subsection (b)(1)(A) that contains parts or components of such an entity if the parts or components have been substantially transformed during production of the finished product.

(6) INVESTMENT.—The term ''investment'' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans;

(B) the purchase of a share of ownership;

(C) participation in royalties, earnings, or profits; and

(D) the furnishing of commodities or services pursuant to a lease or other contract, but does not include routine maintenance of property.

(7) MTCR ANNEX,—The term ''MTCR Annex'' has the meaning given that term in section 74(4) of the Arms Export Control Act (22 U.S.C. 2797c(4)).

(8) UNITED STATES NATIONAL.—

(A) IN GENERAL.—The term ''United States national'' means—

(i) any United States citizen; and

(ii) any corporation, partnership, or other organization created under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States.

(B) EXCEPTION.—The term ''United States national'' does not include a subsidiary or affiliate of corporation, partnership, or organization that is a United States national if the subsidiary or affiliate is located outside the United States.

AMENDMENT NO. 2967

At the appropriate place, insert the following section:

SEC. . US FORCE LEVELS IN ASIA.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the current force levels in the Pacific Command Theater of Operations are necessary to the fulfillment of that command's military mission, and are vital to continued peace and stability in the region. Any reductions in those force levels should only be done in close consultation with Congress and with a clear understanding of their impact upon the United States' ability to fulfill its current treaty obligations with other states in the region, as well as to the continued ability of the United States to deter potential aggression in the region.

(b) ANNUAL NATIONAL SECURITY STRATEGY REPORT REQUIREMENT.—The Annual National Security Strategy Report as required by Section 603 of Public Law 99–433 should provide specific information as to the adequacy of the capabilities of the United States armed forces to support the implementation of the national security strategy as it relates to the People's Republic of China.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

ROBERTS AMENDMENT NO. 2968

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. . PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa–1(a)) is amended by striking ''no funds'' and all that follows through ''making guarantees,'' and inserting the following: ''the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act,''.

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(A) in paragraph (1), by striking ''shall forthwith impose'' and inserting ''may impose'';

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

''(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

ROBERTS AMENDMENT NO. 2969

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill (S. 2159) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 1999, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa–1(a)) is amended by striking ''no funds'' and all that follows through ''making guarantees,'' and inserting the following: ''the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act,''.

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(A) in paragraph (1), by striking ''shall forthwith impose'' and inserting ''may impose'';

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

''(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

ROBERTS AMENDMENT NO. 2970

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa–1(a)) is amended by striking ''no funds'' and all that follows through ''making guarantees,'' and inserting the following: ''the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act,''.

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(A) in paragraph (1), by striking ''shall forthwith impose'' and inserting ''may impose'';

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

''(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

ROBERTS AMENDMENT NO. 2971

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill, S. 2159, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa–1(a)) is amended by striking ''no funds'' and all that follows through ''making guarantees,'' and inserting the following: ''the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act,''.

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(A) in paragraph (1), by striking ''shall forthwith impose'' and inserting ''may impose'';

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

''(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

DODD AMENDMENT NO. 2972

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. REDUCTION IN BACKLOG OF UNPAID RETIRED PAY.

(a) REQUIREMENT.—The Secretary of the Army shall take such actions as are necessary to achieve, by December 31, 1998, a significant reduction in the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(b) REPORT.—Not later than January 31, 1999, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (a).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

(c) FUNDING.—Of the amount authorized to be appropriated under section 421, $1,700,000 shall be available for carrying out this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, June 23, 1998, at 9:30 a.m. in open session, to consider the nominations of General Richard B. Myers, USAF, to be commander-in-chief, United States Space Command; Vice Admiral Richard W. Mies, USN, to be commander-in-chief, United States Strategic Command; and Lieutenant General Charles T. Robertson, Jr., USAF, to be commander-in-chief, United States Transportation Command and Commander, Air Mobility Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 23, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the issue of independence of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 23, 1998, at 2:30 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 23, 1998 at 9:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''S. 2148, Religious Liberty Protection Act of 1998.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Tuesday, June 23, 9:30 a.m., Hearing Room (SD–406), on the Administration's 1998 Water Resources Development Act, S. 2131; fiscal year 1999 budget request for the Army Corps of Engineers; and related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ILO DECLARATION ON CORE LABOR STANDARDS

● Mr. MOYNIHAN. Mr. President, I rise to report to the Senate that on June 18, 1998 in Geneva, at the conclusion of the 86th International Labor Conference, the International Labor Organization adopted by an overwhelming margin an important new ''Declaration on Fundamental Principles and Rights at Work.'' The vote was 273 in favor of the new Declaration, zero opposed, with 43 abstentions. The adoption of this measure is a singular achievement and holds great promise for advancing core labor standards in the international community.

Our distinguished Secretary of Labor, the Honorable Alexis M. Herman, deserves much credit, as does Andrew Samet, her able Deputy Under Secretary for International Labor Affairs. Over the last three weeks, Secretary Herman energetically pursued this agreement throughout difficult and long negotiating sessions, and in critical corridor side-bars. Ultimately, she succeeded.

Secretary Herman has characterized the new Declaration and its follow-up mechanism as ''a big step forward for the ILO and its members as we enter the 21st Century.'' In the statement that she issued on June 18, 1998, upon the adoption of the new Declaration, she said:

> With the passage of this declaration, the ILO underlined and clarified the importance of the fundamental rights of workers in an era of economic globalization. It firmly demonstrates that we can and will move forward in an effort to see trade and labor concerns as mutually supportive—not mutually exclusive.

Another of the United States' Delegates to the International Labor Conference, AFL–CIO President John J. Sweeney, called the Declaration ''an historic breakthrough that dramatically underscores the importance of basic rights for workers in the global economy.'' And to emphasize the tripartite nature of the ILO, it should be noted for the record that the U.S. Council for International Business, which is the United States' employer representative to the ILO, was a principal supporter of this new initiative, and has been from the beginning. The Council's President, Abraham Katz, called the new Declaration ''a major achievement for the ILO.''

In essence, the ILO has bunbled together, in a single declaration, four sets of fundamental rights—the core labor standards embodying the broad principles that are essential to membership in the ILO. Having declared that those rights are fundamental, the document then provides for a monitoring system—a ''follow-up'' mechanism, to use the ILO's term—to determine how countries are complying with these elemental worker rights.

The four sets of fundamental rights are: (1) Freedom of association and the effective recognition of the right to collective bargaining; (2) the elimination of all forms of forced or compulsory labor; (3) the effective abolition of child labor; and (4) the elimination of discrimination in respect of employment and occupation.

These rights flow directly from three sources. First, from the ILO Constitution itself, which was drafted by a commission headed by Samuel Gompers of the American Federation of Labor and became, in 1919, part XIII of the Treaty of Versailles. Second, from the immensely important Declaration of Philadelphia, which reaffirmed, at the height of World War II, the fundamental principles of the ILO, including freedom of expression and association and the importance of equal opportunity and economic security. Adopted in 1944, the Declaration of Philadelphia was formally annexed to the ILO Constitution two years later. And, not least, these four groups of core labor standards flow from the seven ILO conventions that are recognized as Core Human Rights Conventions.

These seven conventions are not the highly technical agreements that make up the vast majority of the ILO's 181 conventions. Rather, they directly address the rights of working people.

They are:

No. 29—the Forced Labor Convention of 1930;

No. 87—the Freedom of Association and Protection of the Right; to Organize Convention, 1948;

No. 98—the Right to Organize and Collective Bargaining Convention, 1949;

No. 100—the Equal Remuneration Convention of 1951;

No. 105—the Abolition of Forced Labor Convention, 1957;

No. 111—the Discrimination in Employment and Occupation Convention of 1958; and

No. 138—the Minimum Age Convention of 1973.

They are extraordinary conventions. The Social Summit in Copenhagen in

1995 identified six of these ILO conventions as essential to ensuring human rights in the workplace: Nos. 29, 87, 98, 100, 105, and 111. The United Nations High Commissioner for Human Rights has classified them as ''International Human Rights Conventions.'' The Governing Body of the ILO subsequently added to the list of core conventions Convention No. 138, the minimum age convention, in recognition of the importance of matters relating to child labor. These conventions embody the broad principles that are basic to membership in the ILO.

But what makes this year's Declaration so significant, Mr. President, is its second component—the monitoring mechanism, the element that will, if implemented properly, ensure that something will come of all this. For example, the follow-up mechanism will take a look at how China is doing on prison labor, how Pakistan is doing on child labor, how the United States performs with respect to freedom of association. Yes, we will be examined, too.

I spoke to the Senate at some length about this matter during our debate last Fall on the fast track legislation. Indeed, the fast track bill that the Finance Committee reported to the floor contained an explicit endorsement—which was included in the Administration's draft proposal at this Senator's suggestion—of the ILO's efforts in this regard. That section of the Committee's bill, S. 1269, reads as follows:

> It is the policy of the United States to reinforce the trade agreements process by—promoting respect for worker's rights by—(ii) seeking to establish in the International Labor Organization . . . a mechanism for the systematic examination of, and reporting on, the extent to which ILO members promote and enforce the freedom of association, the right to organize and bargain collectively, a prohibition on the use of forced labor, a prohibition on exploitative child labor, and a prohibition on discrimination in employment. . . .

In January of this year, I traveled to Geneva to discuss this new initiative with ILO Director General Michel Hansenne and his deputies. I did so because I believe that this new Declaration has great potential. Its monitoring mechanism could evolve into an effective tool for upgrading global compliance with these core labor standards. I have argued that the monitoring system ought to include inspections, an idea that could gain acceptance over time.

The ILO is the only League of Nations organization that has survived into the era of the United Nations. It arose at a time when the idea of sending inspectors into a country to see whether that country was keeping an agreement would have been thought much too radical. That all changed in the aftermath of World War II, with the creation of the International Atomic Energy Agency in 1957.

With the IAEA, inspections have become established practice over a range of international concerns and international organizations, including the ILO. Although not explicitly provided for in the ILO Constitution, several ''inspection'' mechanisms have in fact evolved in the organization since the early 1960's. Two are of particular note. ILO Commissions of Inquiry, which investigate members' compliance with ratified conventions in accordance with Article 26 of the ILO Constitution, have conducted on-site investigations since 1961. And the special procedures established under the ILO for examining matters relating to freedom to association have, since 1965, included on-site inspections. Thus it would seem reasonable to suggest that such inspections might eventually be an effective means of reviewing countries' compliance with core labor standards. With this Declaration and its follow-up mechanism, we have a very good beginning.

In fact, this new Declaration and its follow-up mechanism might just be the key to getting our international trade policy back on track. Last November, the trade policy that has guided this country for the past 64 years—since the Reciprocal Trade Agreements Act of 1934—was called sharply into question when the Congress considered the reauthorization of the so-called ''fast track'' negotiating authority for trade agreements. After a promising start in the Senate, where two procedural votes demonstrated strong support for the measure (68 votes in favor, including a solid majority on both sides of the aisle), the effort foundered in the House when it became clear that there were not enough votes to pass it.

One of the central issues that surfaced during that debate was whether trade agreements should include provisions—in effect, statutory requirements—concerning labor and the environment.

At first, this might should like a good idea. Upon reflection, however, it simply will not work. Developing countries will not accept the proposition that they must reduce their tariff and non-tariff barriers (discriminatory product standards, import licensing requirements, and the like) and, at the same time, willingly adopt stricter environmental and labor standards. Their reaction is understable: they view such proposals as putting them at a double disadvantage—lowering their protection against foreign goods and at the same time increasing their production costs, thus eroding their competitive advantages.

The ILO has a role to play here. Indeed, it was created in 1919 for the express purpose of providing an avenue for governments that wanted to do something to improve labor standards, but were reluctant to do so unilaterally because they feared it would put them at a competitive disadvantage in world commerce.

For 79 years, the ILO has sought to address these matters. Certainly both President Roosevelt and his Secretary of Labor, Frances Perkins, understood well the connection between the ILO and our trade policies, having launched both the Reciprocal Trade Agreements program and the United States' membership in the ILO—two parallel but distinct measures—in the same year, 1934.

The ILO is the one League of Nations organization that we were least likely ever to join, and the only one we did. Even so, the United States has never been an active ratifier of international labor conventions. Of the 181 ILO conventions agreed thus far, the United States has ratified only 12. Indeed, until 1988, the United States had only ratified 7 conventions—6 maritime and one technical—the seventh convention having been ratified in 1953. Then an interval of more than 35 years with no action on the subject.

In 1988, however, a new era commenced: the United States began to ratify substantive labor conventions. Altogether, the United States has approved five ILO conventions since 1988:

Convention No. 144, the 1976, convention on Tripartite Consultation on International Labor Standards, which approved by the Senate on February 1, 1998; Convention No. 147, the Merchant Shipping Convention on Minimum Standards, adopted in 1976, and approved by the Senate February 1, 1988; Convention No. 160 on Labor Statistics, adopted by the ILO in 1985 and approved by the United States Senate on February 20, 1990; Convention No. 105, the Abolition of Forced Labor Convention of 1957, which the Senate approved on May 14, 1991; and Convention No. 150 on Labor Administration, adopted by the ILO in 1978, and approved by the Senate on October 6, 1994.

I was the floor manager for four of these. In all five conventions, we lost the votes of only two Senators on the floor: both on Convention No. 144 regarding tripartite consultation. The other four conventions passed unanimously. Most notable was the Senate's ratification in 1991, by a vote of 97–0, of the first of the ''core'' human rights conventions—Convention No. 105 on the Abolition of Forced Labor (1957), an area where the ILO has made vital contributions.

As the President announced May 18th, in his historic address to the World Trade Organization at the commemoration of the 50th anniversary of the General Agreement on Tariffs and Trade, he has now transmitted to the Senate for ratification a second ''core'' convention—Convention No. 111, the Discrimination in Employment and Occupation Convention of 1958, which calls for a national policy to eliminate discrimination in access to employment, training and working conditions.

It may be that there is new life in the ILO, that we have entered a period in which we can look to the ILO for leadership as the United States and our trading partners reap the rewards—and adjust to the challenges—of globalization. In the area of worker rights, the ILO ought to be the place to do it. To remind the Senate, the World

Trade Organization, at the conclusion of its first ministerial meeting in Singapore in December 1996, reaffirmed that the ILO was the ''competent body'' to set and deal with internationally recognized core labor standards. The Director-General of the WTO, Renato Ruggiero, with whom I discussed the ILO initiative at length in January, has lent his strong support. As Ambassador Ruggiero put it in a speech in Bonn on December 9, 1997, the WTO's members agreed at Singapore that ''the ILO was the relevant body where the issue of labor standards should be addressed.'' He noted:

> The fact that the ILO is now making important strides in these areas demonstrates, not only that consensus on the most difficult issues is possible, but that consensus is absolutely critical to real and lasting progress. Supporting the current efforts in the ILO toward reaching a declaration on Fundamental Workers Rights is the best way of demonstrating that the real objective is to promote labor standards and not to seek protectionist measures.

It is possible, Mr. President, that this new Declaration on Fundamental Principles and Rights at Work, together with its monitoring provisions, will give new energy to the ILO at a time when new energy and direction are sorely needed to guide us out of the muddle in which we find ourselves with respect to trade.

I offer my great congratulations to Secretary Herman, to John J. Sweeney, President of the AFL-CIO, and to Abraham Katz, President of the U.S. Council for International Business for this singular achievement, and I ask that the full text of the declaration and its follow-up mechanism, as well as the text of Secretary Herman's statement, be printed in the RECORD.

The material follows:

INTERNATIONAL LABOUR CONFERENCE—86TH SESSION GENEVA, JUNE 1998

ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference,

1. Recalls: (a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances; (b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

2. Declares that all Members, even if they have not ratified the Conventions in questions, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.

3. Recognizes the obligation on the Organization to assist its Members in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts: (a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions; (b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and (c) by helping the Members in their efforts to create a climate for economic and social development.

4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the annex hereto, which shall be considered as an integral part of this Declaration.

5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.

ANNEX

FOLLOU-UP TO THE DECLARATION

I. OVERALL PURPOSE

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e) of the Constitution; and the global report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

II. ANNUAL FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS

A. Purpose and scope

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.

2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e) of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.

4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. GLOBAL REPORT

A. Purpose and scope

1. The purpose of this report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal

and external resources necessary to carry them out.

2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.

2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

IV. IT IS UNDERSTOOD THAT:

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.

2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

The foregoing is the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up duly adopted by the General Conference of the International Labour Organization during its Eighty-sixth Session which was held at Geneva and declared closed the 18 June 1998.

IN FAITH WHEREOF we have appended our signatures this nineteenth day of June 1998.

The President of the Conference,

The Director-General of the International Labour Office.

''This is a big step forward for the ILO and its members as we enter the 21st Century. With the passage of this Declaration, the ILO has underlined and clarified the importance of the fundamental rights of workers in an era of economic globalization. It firmly demonstrates that we can and will move forward in an effort to see trade and labor concerns as mutually supportive—not mutually exclusive.

As we have said and as President Clinton stated in his speech to the World Trade Organization on May 18, we must continue to forge a working relationship between the ILO and the WTO. We continue to see it as vitally important to a strengthened trading system that we advance the effort to protect basic workers rights. That remains our policy and our commitment.

This Declaration and its follow-up procedure furthers our abilities to pursue these objectives. Nothing in this Declaration restricts our ability to advance together the liberalization of international trade and the protection of basic worker rights. As the ILO has stated, the Declaration does not impose any restrictions in this regard on members.

It is also clear, with this recommitment to core values, that the ILO members have accepted the need to be accountable. And with this action, there will now be a process within the ILO to demonstrate that accountability.

I was honored to be a part of this historic ILO meeting and to work with my colleagues to adopt this crucial Declaration that outlines a vision for the next century for this organization. Clearly we proved in these weeks in Geneva, that a consensus can be reached among governments and between employer and worker groups.

There were long and difficult negotiations over this Declaration, but I was always confident about the outcome because, from the beginning, there was a consensus among us, a shared objective and an historical obligation to do what we have done.''●

UNSHACKLE LEADERS OF AMERICA'S EDUCATION

● Mr. COVERDELL. Mr. President, the results of the 1998 Stanford 9 tests—better known as the SAT's—are now available. Overall, the results are dismal. No matter what improvements may be noted here and there, the bottom-line numbers reveal a failing education system that shortchanges the students and parents who rely upon it.

In each of the four categories of performance—below basic, basic, proficient, and advanced, the story is the same. As a group, the kids fall farther behind as they progress through the system. That's the case with regard to both math skills and reading.

That disturbing news is all the more reason for those of us who are committed to structural reform of this country's schools to redouble our efforts, especially in providing education alternatives for low-income families.

In the process, we should not overlook the need for sound management in our schools. Indeed, managerial reforms, implemented on the State and local level, will be crucial to the success of education reform. That is the point made by Donald Bedell, Chairman of the Bedell Group and a longtime consultant in management and organizational structure for major corporations.

Mr. Bedell has outlined his thinking along those lines in a brief paper that exhorts Congress to ''unshackle leaders of American education.'' His insights are on target, and I ask that they be printed in the RECORD.

The material follows:

UNSHACKLE LEADERS OF AMERICA'S EDUCATION

The never-ending and often contentious national debate over the future course of public education disguises the negative impact excessive administrative control exerts on student academic achievement. How?

It concentrates on finding ''solutions'' in Washington and in state capitols, year after year after year, for each of the endless number of individual school functions that yearn for assistance. Yet, bureaucracies in all four management levels unnecessarily complicate and slow decision-making, cause costs to rise, burden classroom teachers with intolerable administrative burdens, and share responsibility for student academic scores that have stayed flat for a generation. The overhang of irresponsible mandates continues to plague efficient management efforts.

A detailed study of Indianapolis public schools budgets (IPS) by the Friedman Foundation, for example, indicated that annual cost per student was $9,886, (double the U.S. average), school enrollment between 1990 and 1996 dropped from 52,000 to 43,000, while administrative costs rose from $370 to $500 per pupil and little more than 30% of its budget paid for teacher salaries. Its student scholastic record, compared to state, national and IPS results, an average of 10% below the national average, 25% below the state results and 35% below the Catholic school average in Indianapolis.

It seems clear that The Friedman Foundation, and Mayor Goldsmith, believe that the IPS current condition demands a thorough management restructuring including reduction of administrative overhead, including additional voucher programs and turning over several dozen non-education support services to private sector contractors. On any professional cost-benefit analysis, development of effective managers and leaders wins by an overwhelming margin.

Meanwhile, attention of many leaders has been diverted from focusing on laying the foundation, and nurturing it, for more efficient school organization structures at all four levels—each state, local school boards, district superintendents and school principals. They are the management ''balance wheel'' function that must be charged with primary responsibility for improved education—not Congress, not the Education Secretary, not the President.

Those four entities alone bear the total responsibility to deliver an improving body of high school graduates—not curriculum experts, not standards experts, not teacher selection experts, not police surveillance of students. On the quality of public school leadership and management, as in the business community, rests the future of public schools, in the words of the Educational Research Service as early as 1992.

Unfortunately, organization and management matters are still viewed by some as an overpowering, fearsome, inscrutable, unchanging and monolithic structure manipulated by unknown backroom shadowy characters. Nonetheless this command and control management culture survived world wide for 100 years! Initiated by the King of Prussia in the 1880s, it has served America's military and business organizations well through wars, depressions, industrial revolutions and bloody foreign revolutions. It got the job done and brought a successful conclusion to World War II that left America at the top of the heap in international economic and political affairs.

But, beginning in the 1960s, the emergence of the most stunning and enormous revolutions in the volume and depth of all scientific inquiry, improved product manufacturing, expanded global trade and investment, and vast communications demands, swamped business operations. It forced business management to devise new operational procedures that adjusted to this new reality. It demanded a new flexibility to manage the data, and, to provide opportunities for individuals to increase their contributions to a more productive society.

Organization structure became organic and specific to each institution and its purpose. In business historian Alfred Chandler's words, ''Structure follows strategy. But it must be flexible to allow for changes. Organization design and structure require thinking, analysis and a systemic approach. The new organization paradigm turns a monumental relic of the past into a living current organism.''

What are the dynamics of such new flexible structures? Maximize personal and financial resources. In Peter Drucker's words, leaders can't allow organization structure to remain static, or ''just evolve. The only things that

evolve are disorder, friction, malperformance.

What then is the driving force of strategy and tactics? Recognition that all institutions, including public education, are subject to competition. There is no specific structure to strategy development that leaders should follow. But not until a decision is made at the top of the four levels of management to construct a well-articulated purpose, and then to accept discovering, understanding, documenting, and exploiting insights as a means to create more value than competing organizations, can be solid basis of strategy be laid.

Would the education sector face the sometimes painful adjustments of restructuring as the private sector? Not necessarily. Once a long range schedule and target established, the time frame could extend over 5 or even 10 years, taking advantage of personnel attrition and retirements and the influx of new students. Firing 30% of the District of Columbia central office, announced recently, in one fell swoop, could easily be avoided except in severe financial crises.

What are possible Congressional education strategies?

(1) Encourage state governments to unshackle state education leaders by deregulating school boards and by re-invigorating school district superintendents, school boards, principals, and teachers by releasing them from state mandates, statutes, rules and regulations, as former Motorola Chairman Galvin suggested.

(2) Promote an ''Executive Scholarship Fund'' for 3,000 eligible education sector managers at various levels each education year, for 5 years, for training in business management practices. The cost? At $5,000 each, maximum cost would amount to $15 million to be borne 20% by grantees, or a net $12 million.

(3) Promote a ''Teacher's Management Improvement Fund,'' for 12,000 eligible teachers each school year for 5 years @ $1500 for a total of $18 million to be borne 20% by grantees or a net of $14.4 million.

(4) Continue to consider funding a wide variety of education programs to states and local entities, despite continuing evidence that student academic remains flat or worse.

(5) Withhold support for a $22 billion 2-year federal funding program for local school building programs, and a $12 billion plan over 7 years to hire 100,000 teachers as proposed by the President.

On any credible professional measurement, the development of effective managers and leaders wins by an overwhelming vote. They can and do make mistakes, but without them, society wanders about in an amorphous atmosphere of confusion and indecision—without positive results. Such an environment would contribute nothing to the development of America.●

THE U.S. COAST GUARD AUXILIARY

● Mr. MURKOWSKI. Mr. President, I rise to call the attention of my colleagues to the distinguished record of the United States Coast Guard Auxiliary, which today marks its 59th year of operation.

Most of us know this fine group of men and women only as the civilian arm of the Coast Guard—a volunteer group of friends and neighbors who offer safe boating and navigation classes, and perform courtesy inspections to ensure that our boats are equipped the way they should be.

However, Mr. President, there is far more to the Auxiliary. The Auxiliary was formed when the clouds of war threatened all the civilized world, and when war came to the United States, the members of the Auxiliary served their country well.

Recently, the commander of United States Coast Guard Group San Francisco, Captain Larry Hall, spoke to Auxiliary Flotilla 5–7 on the 55th anniversary of its formation. His address is a capsule history of the Auxiliary in general, and of San Francisco's ''Diablo'' flotilla as a specific example, as well as a look at how the Auxiliary and the active-duty Coast Guard work together to keep Americans safe.

Mr. President, I ask to have Captain Hall's remarks printed in the RECORD.

The remarks follow:

REMARKS TO COMMEMORATE THE 55TH ANNIVERSARY OF ''DIABLO'' FLOTILLA 5–7 COAST GUARD AUXILIARY

(By Captain Lawrence A. Hall, USCG).

Immediate Past District Commodore Marilyn McBain, Vice Commodore Mike Maddox, District Rear Commodore Jack O'Neill, Flotilla Commander Bill Graham, Members of Diablo Flotilla 5–7, fellow members of Team Coast Guard, and friends:

You have honored me with the kind invitation to speak to you on this special occasion * * * to share this important piece of Coast Guard History—of the Coast Guard Auxiliary and the role Flotilla 5–7 played in it. Needless to say, the Auxiliary has been an important part of our Service's history during this century, and as an active-duty Coast Guard member, I'm honored to be associated with you all.

I realize that many of you here tonight have personal memories of World War II, and that some of you served our country with distinction during those years of trial for our nation. Of course, I'm but a youngster, and wasn't even a gleam in my parents' eye until nine years after the war ended! I don't share any of those memories, and had to borrow from someone else. So, before I get too far along in talking about the Auxiliary's early years, let me credit Malcolm Willoughby's book The Coast Guard in World War II, published in 1957 by the U.S. Naval Institute. It's an excellent reference.

Let me start at the beginning * * * The forerunner of the Coast Guard Auxiliary, originally called the Coast Guard Reserve, was created on June 23, 1939. Its missions were to:

Promote safety of life at sea and upon navigable waters,

Disseminate information relating to the laws, rules and regulations concerning motorboats and yachts,

Distribute information and knowledge concerning the operation and yachts, and,

Cooperate with the Coast Guard

It seems that we were just yesterday celebrating the Auxiliary's 50th anniversary—I know we're not getting any older, but shudder to think that somehow time's flown, and next year we'll actually be celebrating the Auxiliary's 60th!

To continue * * * With war underway in Europe, on February 19, 1941, Congress passed the Auxiliary and Reserve Act. The Act in effect created a real military Coast Guard Reserve as we have today, added the uniformed but unpaid Coast Guard Temporary Reserve, and gave you, the civilian arm of the Coast Guard, your present name. Then war broke out * * * and you jumped into action. I've read that Seattle flotillas actually commenced patrols on the evening following the Pearl Harbor Attack. Many patrols were quickly established elsewhere, with Auxiliarists putting in countless hours patrolling in their own vessels. By June 1942 the Auxiliary had grown to about 11,500 people, with 9,500 boats organized into 44 flotillas.

At first any Auxiliary member could volunteer the services of his boat, himself, and crew for temporary service in the Temporary Reserve. In this way, the Coast Guard drew on trained Auxiliarists for the performance of regular Coast Guard duties afloat on a military basis, and the Auxiliary became chiefly a source of military supply.

The program for temporary reservist on full-time duty with pay was originally established to aid the acquisition of badly needed reserve boats and people from the Auxiliary because the need for small craft in the early days was extremely urgent. Men were enrolled for temporary duty for specific periods such as three or five months, and usually assigned to their own vessels. They were not transferred from their particular boat or out of District. Their duty was chiefly with the Coastal Picket Fleet from June through November 1942, when this type of duty was discontinued.

As the war tempo increased and port security responsibilities grew, the Coast Guard leadership realized that the Auxiliary's civilian status prevented their effective wartime use. Not only did Auxiliarists lack military authority, but when going out on anti-submarine warfare patrol, they risked, if captured, being executed as spies! The need for militarization was obvious, the result being that the majority of Auxiliarists were eventually enrolled in the Coast Guard Temporary Reserve. This final setup for the Temporary Reserve, enacted on 29 October 1942, included Auxiliarists in a part-time no-pay status. The Temporary Reserve gradually took over patrol responsibilities from the Auxiliary, with Auxiliary patrols finally being discontinued in 1 January 1943. In the various configurations of the Temporary Reserve, the Auxiliary provided a nucleus of men well-qualified in small boat handling, along with their boats. This force, which by war's end numbered 30,000 Temporary Reservists and 1,000 boats recruited from the Auxiliary, allowed our more able-bodied men to be sent to the combat theaters, and performed a service on the home front which was vital to our national security.

So, it was in this context that the Diablo flotilla was created in 1943. Though I don't have access to much in the way of Flotilla historical records, your Flotilla Commander Bill Graham tells me that, depending on how you count it, the Diablo flotilla was either the sixth flotilla—or one of the first nine flotillas—formed in the Northern Region of the Eleventh District. I'm sure that your predecessors in this Flotilla had a large part in patrolling the lower Sacramento and San Joaquin Rivers as well as the upper San Francisco and San Pablo Bays. People from Diablo Flotilla undoubtedly gave their service to the Temporary Reserve, making a vital contribution to the security of the Bay and Delta areas. I have to think this was no insignificant task, given the strategic sites at the Naval Weapons Station and Port Chicago, Mare Island Naval Shipyard, and the oil refineries of the area. This, and they still performed all their usual boating safety functions.

Now I'll fast forward from the forties to modern times. Flotilla 507 has been an active force in promoting safe boating in the Delta. I note that:

In 1994, under Jack O'Neill's leadership, you were lauded as the District Eleven (Northern Region) outstanding flotilla.

In 1996, with Michael Hays as Flotilla Commander, you were given the award as Outstanding Flotilla in Division 5.

In 1997, led by Tim Martell, you collected two of seven District awards for flotillas, for public affairs and for highest number of vessel examinations.

Looking at recent Auxiliary Management Information System (AUXMIS) reports, which I thank your Immediate Past Commodore and District Staff Officer for Information Systems, Marilyn McBain for making happen, I see you're still building good numbers:

I see strength in your membership—77, which includes 14 Auxiliary Operators!

I see strength in your public education: two Boating Skills and Seamanship (BS&S) and three Sailing and Seamanship (S&S) courses in 1996; four BS&S, one S&S and four Boating Safely courses given in 1997; and 19 class sessions in various courses given so far this year.

I see strength in your vessel examination program: 20 examiners conducting 459 CME's in 1997, up from 210 in 1996—and you've already completed 210 exams so far this year.

I see strength in your Marine Dealer Visit Program, with between five and seven Marine Dealer Visitors making 66 visits in 1996, 88 visits in 1997, and still building numbers this year.

In these and all your other programs—Operations, Public Affairs, Member Training—you show that the Diablo Flotilla is active, is connecting with the public, is making a difference. I hope you still have room on your trophy shelf, since you'll no doubt be adding more ''hardware'' to it!

This brings us to today. I stand here as the Group Commander within whose area of responsibility you spread the gospel of safe boating. I'm here to tell you that I am your partner in serving the public—the Coast Guard's customers in the lower Delta and Suisun Bay. Our safety missions are mutually dependent, and firmly linked together. Since taking command of Group San Francisco last Summer, I have embarked the Group on the strategy of community interaction. Yes, we in the Group do exist to provide critical search and rescue resources to the citizens of Central California and to enforce Federal laws where necessary. But the greatest of our missions is in protecting the safety of recreational boaters in the area we serve. I see the recreational boater's life as a continuum, starting when they buy and equip their vessel, continuing hopefully with some good education. Then comes the voyage, which usually, hopefully ends safely, but sometimes ends in a search and rescue case or an adverse Coast Guard boarding. In the past we at the Group dwelled too much on that far end of the continuum, especially in our huge number of law enforcement boardings—and I'm sure you read about it in the local maritime press. Where I am guiding our efforts now is to the start of that continuum—before the boater gets underway. To that end, I've directed Group personnel to steer their efforts at meeting and getting to know the boaters:

We're walking the docks, boat ramps, and marinas, seeing the boaters with their vessels, answering their questions, giving advice, steering them toward the products you offer—vessel exams and boating safety courses.

We're making more public appearances: at boat shows, yacht clubs, service clubs, and schools.

We're making friendly contacts with boaters on the water, commending them for safe boating practices, for wearing their personal floatation devices (PFDs), for being conscientious.

We're listening to the boaters, constantly looking for better ways we can serve them.

Finally, to show my regard for your vessel exam program, I have directed Coast Guard crews to not conduct random boardings on recreational vessels showing a current Courtesy Marine Examination sticker. We'll still board all vessels, including those with current CMEs, any time we can articulate a valid reason, such as for unsafe operation. But again, we will not randomly board vessels showing the sticker—proof of their commitment to equip their boats properly. I believe in your vessel exam program, and want to give boaters all possible motivation to let you aboard!

In all our efforts, while we won't ever give up our responsibility to enforce boating safety law when necessary, we're out to show the boating public that we're a partner with them in maximizing success and enjoyment in their boating experience. In face-to-face contact I want them to see that we're real people, just like them, who have an important job to do.

Now, here's where our fortunes really are linked. It's no surprise that we all have been searching for good measures of effectiveness in our boating safety programs—for ways that we can relate our hours of effort into the desired outcome of safer boating. Knowing that the Commandant has established a goal that we save at least 90 percent of distressed boaters after Coast Guard notification, I think we can make a difference there. To that end, I am measuring the number of person hours and personal contacts made by Group San Francisco people. This hopefully will translate in the next couple years to an increase in the number of people coming to you for vessel examinations and registering for safe boating courses—whether Coast Guard Auxiliary or U.S. Power Squadron. Finally, increased vessel exams and boating course students should translate to both a reduction in search and rescue cases among recreational boaters and better outcomes for the cases we do respond to. We're making the effort to encourage boating safety, and hope that our future numbers bear it out.

With this, I ask a couple things of you, the Diablo Flotilla. First, keep up the great work. You've got a rich tradition, going back to earliest days of the Auxiliary. You've got the strength in numbers to keep it going. Second, work to ensure that the quality of your vessel exam and public education programs is second to none, along with your Marine Dealer Visit Program, which is yet another way that we can direct boaters to the services we offer. I'm depending on it and I'm doing the same with the services that we in Group San Francisco perform.

In closing, I'm extremely proud to call you partners, members of Team Coast Guard and Team Group San Francisco. Be proud of where your Flotilla has come from, of the missions you've performed, and of your excellence yet to come. We'll be there with you. May we all be—Semper Paratus. Thank you. ●

RETIREMENT OF MR. A. GERALD ERICKSON

● Ms. MOSELEY-BRAUN. Mr. President, I would like to take a few minutes today to recognize a gentleman who is retiring from a distinguished career as President of the Chicago-based Metropolitan Family Services, Mr. A. Gerald Erickson. In his 27 years as President of this valuable agency, Jerry Erickson has demonstrated an outstanding level of commitment to under-served families and individuals in Chicago. Under his leadership, Metropolitan Family Services has a record of great accomplishments in improving the opportunities and quality of life for thousands of low-income Chicagoans.

In 1958, Jerry Erickson began his career with the agency, then known as United Charities, as a social worker fresh out of school and a two year stint in the Army. After earning a Master's Degree in Social Work from the University of Chicago in 1960, Jerry remained with United Charities full time, and in 1971 became President.

Two and a half years ago, and a quarter of a century into Mr. Erickson's tenure, United Charities changed its name to Metropolitan Family Services. Through this and many other organizational changes over the years, Jerry Erickson has remained steadfastly committed to serving the under-privileged residents of the Chicago metropolitan area.

As Chicago's oldest and largest nonsectarian social services organization, Metropolitan Family Services provides services ranging from family counseling to financial education for more than 100,000 families in the Chicago area. The agency operates on an annual budget of approximately $22 million, and has recently concluded a successful $15 million private fundraising campaign. The success of the organization can be attributed to the committed hard work of all of the agency's staff, and to great leadership from Jerry Erickson. Through their efforts, the agency's future will be bright and long-lasting.

Through out his career, Jerry Erickson has carried himself in a soft-spoken, modest manner which has led many of his colleagues in the field of social work to refer to him as the ''Jimmy Stewart of social services.'' Now, in classic Jerry Erickson character, he is quietly retiring as the President of Metropolitan Family Services and is passing the reigns on to a successor he helped choose.

Those who know and work with Jerry Erickson should be heartened by his promise to continue to work as a consultant to social service agencies. And Jerry's successor, Richard Jones, Ph.D., is highly qualified and committed to continuing and expanding the great work of Metropolitan Family Services.

Through his work with Metropolitan Family Services, as well as his participation and leadership in various national social services task forces, associations, and alliances, Jerry Erickson has well earned his reputation as a national leader in social work. Jerry Erickson's work is a model of service for all Americans to follow, and I commend his lasting commitment to serving the most vulnerable in our society.

On behalf of all the lives he has touched in his outstanding career with Metropolitan Family Services, I want to thank him and wish him good luck and Godspeed in all of his new endeavors.●

ALPHA SIGMA TAU CELEBRATES 100TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today to recognize an important event that will take place in the state of Michigan. Alpha Sigma Tau, a national sorority, will be celebrating its 100th anniversary this summer.

Alpha Sigma Tau was founded at Michigan State Normal College, (now Eastern Michigan University) Yspilanti, Michigan on November 4, 1899. The Founding Sisters were: Helene M. Rice, Adiance Rice, May Gephart, Ruth Dutcher, Mayene Tracy, Eva O'Keefe, Mabel Chase and Harriet Marx. Alpha Sigma Tau aims to attract women of good character and spirit. One of the sororities' main goals is scholastic achievement.

Alpha Sigma Tau was nationalized in 1925. There are 59 active collegiate chapters and 3 active existing colonies in the United States. In 1949, the sorority became a National Panhellenic Council member and was represented on the Executive Committee from 1979 until 1985. Alpha Sigma Tau was honored to have a member serve as President from 1983–85. Alpha Sigma Tau National Foundation, founded in 1985, offers a wide variety of scholarships, awards, grants and loans to the sorority sisters. Additionally, the sorority contributes philanthropically to several causes.

The celebration of the 100th anniversary will take place at the Centennial Convention at the Sheraton Inn in Ann Arbor, Michigan from Tuesday, June 23 until Saturday, June 27. The celebration will include over 300 collegiate and alumnae women and their guests. Alpha Sigma Tau will be presenting Eastern Michigan University with a gift to commemorate the occasion. I extend my warmest regards to all who are involved with this celebration.●

MRS. ELLIE MCNAMARA

● Mr. LEAHY. Mr. President, I rise today with great pleasure to recognize Mrs. Ellie McNamara for a career of exemplary service in Vermont public schools. Her career spans four decades, beginning in 1958 as a fourth grade teacher, and for the last 17 years as principal of the C.P. Smith primary school in Burlington. She will retire at the close of this school year.

There is no better evidence than the work of Mrs. McNamara to the truth of the adage, ''There is no substitute for a good teacher.''

The devotion with which she met the challenges of teaching and then as a principal won her the hearts and minds of students, faculty and parents alike. She has made a difference.

Even as she moves into retirement she continues to serve as a role model for all of us. I wish her well as she moves into the next stage of her life.

Marcelle and I have known Ellie McNamara, her husband Jim who is a distinguished lawyer and her wonderful family for decades. Burlington and Vermont are proud of her and her family.

I ask that an article regarding her retirement from the Burlington Free Press be printed in the RECORD.

The article follows:

[From the Burlington Free Press, May 28, 1998]

RETIREMENT IS PRINCIPAL LOSS

(By Anne Geggis)

Guests, gifts and tokens celebrating Ellie McNamara's 17 years leading Burlington's C.P. Smith School keep pouring in as the days of her career run out.

The message they all bring: Don't go.

Wednesday, community members ranging from kindergartners to her now-grown students to Gov. Howard Dean gathered to admire the longtime principal's accomplishments. Janet Breen, a mother of three, wasn't the only wistful attendee.

''She's a wonderful woman, wonderful,'' Breen said. ''I wish she'd retire after my toddler left, but that would be 10 years.''

Dean told the assembled crowd that McNamara is the reason his kids are in Burlington schools. Faculty members got teary-eyed talking of the fun she has brought to the New North End elementary school.

''It's a huge loss,'' sighed Leslie Kaigle, a School Board member from the Old North End who has worked with McNamara on school committees. ''Her connections with families, with people . . .''

McNamara, however, remains firm that a career started in 1958 teaching his fourth-grade at the now-demolished Converse School, should come to an end now.

''You should leave while the audience is still clapping,'' she said, flashing her trademark toothy smile.

The force of a personality that can memorize the names of all 358 of her students and their siblings and parents, is something to be reckoned with. In the space of a half hour Wednesday, she examined a scraped knee, started a purple fleece jacket on the road to a reunion with its owner and watched more than 100 wriggling bodies during lunch.

There's a devilish side, too: She's been known to take her hairdresser's phone calls before the superintendent's. Holding a conversation with her requires that eyes remained fixed on her. Look away for a moment and she's gone around a corner. She's often quoted as saying, ''I've got to see you. I'll be back on a minute.''

But ask what's planned for C.P. Smith's final assembly on the last day of school, and the frenetic pace of this 62-year-old grandmother of six stills.

''The final assembly . . .'' she said, a catch in her voice. Eyes suddenly turn misty. ''That's when . . . well, I can't talk about it now.''

Linda Dion, who has been school secretary for 16 of McNamara's 17 years, picked up where McNamara left off: ''At the end of the assembly, the fifth-graders march out as we sing the C.P. Smith song. This time, Ellie will be marching out behind them.''

IN RECOGNITION OF THE SESQUICENTENNIAL OF THE VILLAGE OF DIMONDALE

● Mr. LEVIN. Mr. President, I rise today to pay tribute to the Village of Dimondale, located in Eaton County, Michigan, which will hold its Sesquicentennial celebration from June 26–28, 1998.

Dimondale was established in 1848 by Isaac Dimond, a wealthy former New York resident who had purchased 4,000 acres of land in Michigan in 1837. Mr. Dimond and his wife, Sarah, left New York for his ''wild land'' in Michigan in 1840, after poor investments caused them to lose most of their possessions. In 1848, Mr. Dimond built his house on Jefferson Street, and the Dimondale School District was formed, signifying the establishment of the community. Isaac Dimond founded several businesses in Dimondale, including a saw mill, a general store and a grist mill. In 1860, Isaac Dimond returned to New York, where he died in 1862.

Today's residents of Dimondale are proud to celebrate the history and heritage of Isaac Dimond and the village he created 150 years ago. During the Sesquicentennial festivities, Dimondale residents are encouraged to dress in period clothing while participating in a family picnic and watching a baseball game featuring the Kent Base Ball Club of Grand Rapids, Michigan, which has been in existence for 130 years and which plays by the rules the game followed in the 1800s.

Mr. President, I know my colleagues will join me in congratulating the residents of Dimondale, Michigan, on this special occasion.●

JOEL BARLOW, DIPLOMAT AND PATRIOT

● Mr. LIEBERMAN. Mr. President, I rise to honor one of America's earliest diplomats and a distinguished native of Connecticut, Joel Barlow. On June 28, in a modest ceremony, a bronze biographical tablet will be dedicated to Barlow in the churchyard of the tiny village of Zarnowiec, Poland, where Barlow died and was laid to rest in 1812. The event is organized and the tablet donated by the Joel Barlow Memorial Fund, in cooperation with the American Center of Polish Culture and DACOR, Diplomatic and Consular Officers Retired (of the U.S. State Department).

Joel Barlow was born in 1754 and raised in Redding, Connecticut. His ancestors were among the earliest settlers of the region. After graduating from Yale University in 1778, he took an additional Divinity course and joined George Washington's army as a chaplain, serving for three years until the end of the Revolution. He slipped home from his army duties long enough to marry Ruth Baldwin, the sister of a Yale classmate. They married in secret because of her father's initial objection.

At the close of the war in 1782, the couple moved to Hartford, where Barlow helped publish the magazine ''American Mercury,'' writing political pamphlets, satires, and poetry. He was one of a group of satirical writers, mostly Yale men, known as the ''Hartford Wits.'' At that time, he also completed and published the first version of his American verse epic, ''The Vision of Columbus.'' It is said that in this work, he was the first writer in English

to use the words ''civil,'' ''civic,'' and ''civilization'' in their modern senses. He also envisioned a future international council very much like today's United Nations, dedicated to peacekeeping, cultural exchange, and development of the arts.

In 1786, Barlow studied law and was admitted to the Bar. He worked as a promoter for the Scioto Land Company. In 1788, Barlow went to Paris to promote the sale of the Scioto Land, a huge tract of Ohio wilderness opened by the government for settlement, to European emigrants. A large group of bourgeois French refugees traveled to Ohio to settle in the land, but the American promoters had not made any preparations for their reception, and they met terrible privations in the wilderness. By the time Ruth joined her husband in Paris in 1790, American organizers of the Scioto company were exposed as profiteering frauds; Barlow, however, was proven innocent. The colony, called Gallipolis, survived despite the hardships, but Barlow's reputation with his countrymen had been seriously damaged.

Barlow was in Paris during the fall of the Bastille on July 14, 1789. He was a friend of Thomas Paine and other Revolutionary sympathizers, English and American. He wrote his major tract ''Advice to the Privileged Orders'' and his verse-satire ''The Conspiracy of Kings'' in London, where he and Ruth had gone to avoid the Jacobin disorders. The ''Advice'' so offended the British government that it banned the book and tried to arrest Barlow, who fled into hiding in Paris. His ''Letter to the National Convention of France,'' a proposal for a new French constitution, so impressed the Assembly delegates that in 1792, they made him an honorary citizen of the new Republic, an honor he shared with Washington, Hamilton, Madison, and Paine. In the final throes of the Terror, when Louis XVI and Marie Antoinette were executed in 1793, Barlow was in southeast France helping organize the Savoy, newly captured from Italy, as a political division of the new Republic.

Fluent in French, sympathetic to the Republic, and successful in business, the Barlows were popular with the reformers and intelligentsia, as well as such scientific innovators as the balloonist Montgolfier. They were also close to Robert Fulton, who arrived in France in 1797, and worked for some years on prototypes of his steamboat, torpedo boat, and other engineering projects. Fulton later did the illustrations for a large, handsome second version of Barlow's epic, heavily revised and retitled ''The Columbiad,'' published in Philadelphia in 1807.

In 1796, during Washington's second term, Barlow resolved our first hostage crisis. He was sent to Algiers as consul to help with implementation of our peace treaty with that state and to secure the release of over one hundred American seamen, some of whom had been held captive by Algerian corsairs since 1785. This required great patience and diplomatic skill on his part, not to mention payment of substantial sums to local officials, but he succeeded where others had failed. He stayed on as consul for a year after the hostages were freed before returning to Paris in 1797.

After 18 years abroad, the Barlows returned to America in 1805, hoping to spend the rest of their lives at home. Thomas Jefferson wanted Barlow to write an American history, and in 1807, at Jefferson's urging, the Barlows moved to a house and small estate in Washington that Barlow named Kalorama, ''beautiful view'' in Greek. However, in 1811, President James Madison appointed Barlow as Minister to France. His task was to negotiate for compensation for French damages to American shipping and to make a trade treaty. Reluctant, but always ready to serve his country, Barlow took his wife, as well as his nephew Thomas as secretary, and returned to France in 1811. Once there, however, Barlow met nothing but delays because of Napoleon's wars in Europe.

Finally, the Emperor, engaged in a winter campaign against Russia, summoned Barlow to meet with him in Poland, in Wilna (now Vilnius). But the French armies were utterly defeated by the Russians and the winter. Napoleon fled south, ignoring his appointment. With Thomas, his staff, and other diplomats, Barlow fled through the freezing weather toward Germany to escape the pursuing Cossacks, missing Napoleon, who hurried straight to France. Barlow died of pneumonia in Zarnowiec, between Warsaw and Krakow, on December 24, 1812. (There is a disagreement about the date; the existing church tablet in Poland gives it as December 26.) It took his nephew more than two weeks to bring news of his death to Ruth in Paris, and it was three months before the news reached America. Joel Barlow was mourned widely in France, but back at home, President Madison was more distressed by the loss of the treaty than of the man. Perhaps this diplomat, patriot, and man of letters had stayed away for too long.●

TRIBUTE TO U.S. DISTRICT COURT JUDGE MATTHEW PERRY

● Mr. HOLLINGS. Mr. President, I rise today to honor one of South Carolina's most beloved citizens and one of the nation's most eminent jurists: U.S. District Court Judge Matthew Perry.

Matthew Perry grew up under ''Jim Crow,'' yet he overcame every barrier to his betterment that society threw up. He relied on his loving and supportive family as well as his own inner strength, wholesome ambition, and unerring moral compass to persevere in the face of naked hatred and discrimination. As one South Carolina newspaper recently noted, he ''had the benefits of good guidance and a good head, and the difficult challenge of growing up under a great adversity.''

Matthew Perry put this adversity to good use. ''Jim Crow'' forged his character in steel, and his experience of unjust laws drove him to devote his life to justice. Against long odds, and with much greater effort than that required of more privileged students, he obtained his law degree and set to work to tear down the structure of segregation in South Carolina.

As a lawyer in the 1960s, Matthew Perry was a leading figure in the Civil Rights Movement. He was instrumental in advancing black South Carolinians' rights and played a leading role in many important legal cases, particularly in defending civil rights activists who were prosecuted for their participation in non-violent demonstrations and sit-ins.

Among the significant cases Matthew Perry helped prepare and argue were Edwards v South Carolina, in which the U.S. Supreme Court established important First Amendment protections for demonstrators; Peterson v City of Greenville, in which the Court enlarged the jurisdiction of federal constitutional protections over premises that had previously been considered outside federal anti-discrimination rules; and Newman v Piggie Pork Enterprises, one of the Court's earliest interpretations of the Civil Rights Act of 1964.

Mr. President, today it is difficult to appreciate the courage of Matthew Perry's convictions and devotion to the cause of civil rights for black Americans. He worked long hours without pay, but money was the least of his concerns. In the 1950s and '60s, his advocacy of equal rights for all and an end to segregation earned him the visceral hatred of many, and his activism sometimes placed his life in danger. Yet the lessons of his childhood served him well, and he endured threats and taunts to triumph over a corrupt and fundamentally unjust system. In the end, Matthew Perry's idealism, intelligence, and integrity helped put an end forever to segregation and to firmly establish the universal principle of equality for all.

Mr. President, it was my privilege to recommend to President Jimmy Carter that he nominate Matthew Perry to a seat on the U.S. District Court in South Carolina. In 1979, Matthew Perry was officially appointed to the Court. He was the first and to date only black judge on the Federal District Court in South Carolina.

As always, Judge Perry is a pioneer. His example is an inspiration not just to black attorneys but to aspiring jurists of all classes and races. His life proves that with courage, conviction, and hard work, one can surmount even life's greatest challenges and contribute to society's lasting improvement.

Mr. President, Princeton University recently awarded Judge Perry an honorary Doctor of Laws degree. This moment was one of great pride for Judge

Perry as well as for all South Carolinians. The citation which accompanied the degree is an eloquent tribute to Judge Perry's example and legacy. I ask that the Princeton University's tribute to Judge Matthew Perry be printed in the RECORD.

The tribute follows:

MATTHEW J. PERRY, JR.

DOCTOR OF LAWS

Senior United States District Judge South Carolina. Matthew Perry was appointed in 1979 to the U.S. District Court by President Carter and is the first and only African-American in South Carolina history to hold that position. As a lawyer during the 1960s he was a major force in the Civil Rights Movement in South Carolina. He played a leading role in a number of significant legal cases, especially to assist activists who participated in sit-ins and other demonstrations and who were being criminally prosecuted. Among the cases he helped prepare were *Edwards v. South Carolina,* in which the United States Supreme Court established significant first amendment protections for demonstrators; *Peterson v. City of Greenville,* in which the Supreme Court enlarged the jurisdiction of federal constitutional protections over premises that had previously been thought to be outside federal antidiscrimination rules; and *Newman v. Piggie Pack Enterprises,* one of the Supreme Court's early interpretations of the Civil Rights Act of 1964. For many years he was the only lawyer available in South Carolina to represent African-American defendants in capital cases. South Carolina State University (B.S. 1948; LL.B., 1951).

A pioneer whose tireless and skillful adovocacy helped protect and propel the pioneering actions of others, he was the leading attorney for the Civil Rights Movement in South Carolina. Often without pay, he provided knowledgeable, timely, and wise counsel to young activists we now rightly view as heroes. Inside and outside the courtroom, his legal acumen and his social vision helped to secure Constitutional protections for such freedoms as speech and assembly, and helped to replace discrimination with opportunity. As the first-and so far only-African-American judge on the federal district court in his native state, he extends a lifelong commitment to integrity and fairness, to liberty and justice for all.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 105–53 AND 105–54

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on June 23, 1998, by the President of the United States:

First, Treaty with Niue on Delimitation of a Maritime Boundary (Treaty Document No. 105–53);

Second, Treaty with Belize for Return of Stolen Vehicles (Treaty Document No. 105–54).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for advice and consent of the Senate to ratification, the Treaty Between the Government of the United States of America and the Government of Niue on the Delimitation of a Maritime Boundary. The Treaty was signed in Wellington May 13, 1997. The report of the Department of State is enclosed for the information of the Senate.

The sole purpose of the Treaty is to establish a maritime boundary in the South Pacific Ocean between the United States territory of American Samoa and Niue. The 279-mile boundary runs in a general east-west direction, with the United States islands of American Samoa to the north, and Niue to the south. The boundary defines the limit within which the United States and Niue may exercise maritime jurisdiction, which includes fishery and other exclusive economic zone jurisdiction.

Niue is in free association with New Zealand. Although it is self-governing on internal matters, Niue conducts its foreign affairs in conjunction with New Zealand. Niue has declared, and does manage, its exclusive economic zone. Therefore, the United States requested, and received, confirmation from New Zealand that the Government of Niue had the requisite competence to enter into this agreement with the United States and to undertake the obligations contained therein.

I believe this Treaty to be fully in the interest of the United States. It reflects the tradition of cooperation and close ties with Niue in this region. This boundary was never disputed.

I recommend that the Senate give early and favorable consideration to this Treaty and advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1998.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, with Annexes and Protocol, signed at Belmopan on October 3, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles that have been stolen and taken to Belize. The Treaty establishes procedures for the recovery and return of vehicles that are registered, titled, or otherwise documented in the territory of one Party, stolen in the territory of that Party or from one of its nationals, and found in the territory of the other Party.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes and Protocol, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1998.*

EXECUTIVE SESSION

NOMINATION OF EDWARD L. ROMERO TO BE AMBASSADOR TO SPAIN AND AMBASSADOR TO ANDORRA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate go into executive session and proceed to the following nomination reported by the Foreign Relations Committee today:

Edward Romero to be Ambassador to Spain and Ambassador to Andorra.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read the nomination of Edward L. Romero, of New Mexico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

The Senate proceeded to consider the nomination.

Mr. DOMENICI. Mr. President, I am pleased to introduce an old personal friend and a highly qualified individual as the nominee for the U.S. Ambassador to Spain.

Ed Romero is not only a native New Mexican, he is a descendant of the Spanish colonists who first settled in New Mexico in 1598. Mr. Romero's personal biography represents both a commitment to his heritage and diligence as a upstanding citizen of this country.

In the fulfillment of his duties as a New Mexican and an American, Mr. Romero headed several delegations to Mexico to forge the relationships necessary to expand business opportunities. He was also a member of the U.S. delegation to the Helsinki accords.

Mr. Romero was the founder and Chief Executive Officer of Advanced Sciences, Inc. Mr. Romero also founded the Albuquerque Hispanic Chamber of Commerce and is currently on the Boards of several Hispanic and Latin American Business and Cultural Associations and Foundations. In his civic and community pursuits, he has been recognized by organizations as diverse as the National Kidney Foundation, New Mexico's Air National Guard and the New Mexico Anti-Defamation League. Mr. Romero has traveled extensively in Spain and speaks fluent Spanish.

Mr. President, it is my pleasure and, indeed, an honor to introduce to the Senate an individual as distinguished and qualified for the position of Ambassador to Spain as Edward Romero. I believe his background and commitment will make him a gracious, competent and effective representative of the U.S. I fully support his nomination and respectfully ask my colleagues in the Senate for their careful consideration of Mr. Romero as the next U.S. Ambassador to Spain.

Mr. FRIST. Mr. President, I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Edward L. Romero, of New Mexico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Edward L. Romero, of New Mexico, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, JUNE 24, 1998

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Wednesday, June 24. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of the Coverdell A+ education conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I further ask unanimous consent that there be 2 hours for debate remaining on the Coverdell conference report divided in the following manner:

Senator GRAHAM, 20 minutes; Senator KERRY, 10 minutes; Senator TORRICELLI, 15 minutes; Senator DASCHLE, 15 minutes; Senator COVERDELL, or his designee, 1 hour.

Further, that following the expiration or yielding back of time, the Senate proceed to a vote on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I further ask unanimous consent that following disposition of the education conference report the Senate immediately resume consideration of S. 2057, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will reconvene on Wednesday at 9:30 a.m. and resume consideration of the Coverdell education conference report.

Under the previous order, after the expiration or yielding back of debate time, the Senate will proceed to a vote on adoption of the conference report. That vote is expected to occur at approximately 11:30 a.m. Following that vote, the Senate will immediately resume consideration of the defense authorization bill.

The majority leader has announced that it is his hope that the defense bill can be concluded by Wednesday evening, or Thursday at the latest.

Members are encouraged to come to the floor during Wednesday's session to offer and debate their amendments to the defense bill under short time agreements. Therefore, rollcall votes should be expected throughout tomorrow's session of the Senate.

For the remainder of the week, the Senate may also consider the Higher Education Act, the IRS reform conference report, any available appropriations bills, and any other legislative or executive items that may be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, June 24, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1998:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JANE E. HENNEY, OF NEW MEXICO, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE DAVID A. KESSLER, RESIGNED.

COMMODITY FUTURES TRADING COMMISSION

BARBARA PEDERSEN HOLUM, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2002. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

KENNETH PREWITT, OF NEW YORK, TO BE DIRECTOR OF THE CENSUS, VICE MARTHA F. RICHE, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23, 1998:

DEPARTMENT OF STATE

EDWARD L. ROMERO, OF NEW MEXICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

EDWARD L. ROMERO, OF NEW MEXICO, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.